

newsletter
on
intellectual
freedom



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ISSN 0028-9485

March 1981 Volume XXX No. 2

**North Carolina
Moral Majority
claiming
“harmful”
school books**

The North Carolina chapter of the Moral Majority, the fundamentalist Christian group founded by the Rev. Jerry Falwell of Lynchburg, Virginia, has launched a state-wide campaign to remove textbooks and library books it deems unfit from North Carolina public schools. In the twenty-one counties where the group has chapters, parent committees have been formed to review books, and master lists of objectionable titles for the elementary, junior high and high school levels are being compiled.

The campaign will try to discover titles that are “anti-family, anti-God, anti-Bible and pro all that other stuff,” said Rev. H. Lamarr Mooneyham of Durham, state chairman of the group. “We’re not about to stand still while our preschoolers are being taught to reproduce and to deny the presence of God’s hand in the creation.”

According to Mooneyham, the group’s main concerns are fiction containing sexual references, biology books emphasizing evolution and not giving equal time to the biblical version of creation, and history books showing America’s heritage as “shoddy.” He said one factor in deciding which books to list will be “how strongly the secular-humanist point of view comes across . . . Really atheistic humanism is what it is and we’re concerned about it.”

The Moral Majority will not become directly involved in efforts to remove particular titles on the lists, Mooneyham claimed. “The success of this thing is going to rest completely upon the concern of parents. It’s up to them to initiate the confrontation with the people on their particular school boards.” Mooneyham denied that publication of lists is a form of censorship. “What we’re saying is: Let’s be fair, let’s be balanced. You are what you read. It’s not healthy to have just a single viewpoint.”

Recently, an Iredell County parent claiming to be a member of the Moral Majority, challenged Aldous Huxley’s *Brave New World* (see page 48), and a science textbook, *Biology*, by Karen Arms and Pamela S. Camp was banned in Forsyth County at the request of some non-Moral Majority parents (see *Newsletter*, November 1980, page 128). Mooneyham said the biology text might also be challenged by the Moral Majority in Durham.

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

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. Subscriptions: \$10 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.

IFC recommends, ALA Council adopts policy on “Exhibit Spaces and Meeting Rooms”

In its report to the ALA Council at the Association's 1981 Midwinter Meeting in Washington, the Intellectual Freedom Committee submitted for approval the text of a new interpretation of the Library Bill of Rights. Entitled Exhibit Spaces and Meeting Rooms, the new document (see box) addresses questions raised by the adoption of Article VI of the revised Library Bill of Rights in January 1980. The new policy was approved unanimously by the Council. The following is an edited version of the Committee's report as presented by Chairperson Frances C. Dean.

Since my last report to Council in New York, intellectual freedom in libraries has faced exciting and challenging times. In the fall, the Office for Intellectual Freedom experienced a steady, and at times a marked, upsurge in reported incidents of censorship and attempted censorship in public and school libraries.

The mass media was quick to react to the situation, but as is often the case, the reporting was not always entirely accurate. Nevertheless, the Committee is convinced that focusing attention on the censorship problem contributes greatly to the Committee's efforts.

It is the Committee's hope that the increasing media exposure experienced by some local libraries as a by-product of press concerns about censorship will be seized upon by librarians as an opportunity to better explain the overall functioning and role of the library to the general public. And we remain even more convinced that ALA must continue its tradition of standing up to all would-be censors no matter what their political philosophy.

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Exhibit Spaces and Meeting Rooms: An Interpretation of the LIBRARY BILL OF RIGHTS

As part of their program of service, many libraries provide meeting rooms and exhibit spaces for individuals and groups. Article VI of the *Library Bill Of Rights* states that such facilities should be made available to the public served by the given library “on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.”

In formulating this position, the American Library Association sought to accommodate the broad range of practices among public, academic, school and other libraries, while upholding a standard of fairness. Libraries maintaining exhibit and meeting room facilities for outside groups and individuals should develop and publish policy statements governing their use. These statements can properly define and restrict eligibility for use as long as the qualifications do not pertain to the content of a meeting or exhibit or to the beliefs or affiliations of the sponsors.

It is appropriate for a library to limit access to meeting rooms or exhibit space to members of the specific community served by the library or to groups of a specific category. It is not proper to apply such limitations in ways which favor points of view or organizations advocating certain view-

points. For example, some libraries permit religious groups to use meeting facilities, while others do not. According to Article VI, both policies are acceptable as long as all religious groups are treated in the same way, irrespective of their doctrines.

Exhibits and meetings sponsored by the library itself should be organized in a manner consistent with the *Library Bill Of Rights*, especially Article II which states that “libraries should provide materials and information presenting all points of view.” However, in granting meeting or exhibit space to outside individuals and groups, the library should make no effort to censor or amend the content of the exhibit or meeting. Those who object to or disagree with the content of any exhibit or meeting held at the library should be entitled to submit their own exhibit or meeting proposals which should be judged according to the policies established by the library.

The library may properly limit the use of its meeting rooms to meetings which are open to the public, or it may make space available for both public and private sessions. Again, however, the same standard should be applicable to all.

FTRF reports success of Jeanne Layton challenge

The Board of Trustees of the Freedom to Read Foundation held their Midwinter meeting in Washington, D.C., January 30. At each ALA Midwinter Meeting and Annual Conference, the Foundation submits a report to the Council on its activities. The following report was delivered at the 1981 Midwinter Meeting by Foundation President Florence McMullin.

On behalf of the Board of Trustees of the Freedom to Read Foundation, I am delighted to report to you that the matching challenge issued by the Foundation in support of beleaguered Utah librarian Jeanne Layton has been met through the generosity of the library community. Jeanne Layton, you will no doubt recall, had been removed from her position as Library Director of the Davis County Library due to her refusal to buckle under to improper political pressure and remove a title from the shelf. Indeed, the response of the library community to the challenge was nothing short of overwhelming.

It will be recalled that at the 1980 Annual Conference in New York, Dennis Day, President of the Utah Library Association, announced that the Foundation would match \$2.00 for every \$1.00 donated until the

end of the year, up to \$10,000 of Foundation funds. As of December 31, when the challenge expired, \$6,024.00 had been received, \$5,000 of which was matched by the Foundation. This sum includes the \$1,000 contribution from the Resources and Technical Services Division of ALA and \$700 from the Utah Library Association, which is in addition to funds contributed by ULA directly to Layton's defense. It should also be noted that Jeanne Layton was the 1980 recipient of the Robert B. Downs Award for Intellectual Freedom, presented by the University of Illinois. This \$500 award was matched with \$1,000 by Foundation funds.

At present, Layton's outstanding legal debt has been reduced to under \$1,000, and at its 1981 Midwinter meeting the Board of Trustees voted to retire the remainder of her outstanding balance.

Jeanne Layton, and through her, the entire library community, has indeed won a great victory. The library board's appeal of a lower court decision reinstating Jeanne was denied and one of her main antagonists was defeated for reelection. It was reported at the recent board meeting that he is now serving as a member of the local mosquito abatement commission.

In other activity, the past six months have seen appeals court decisions in several school book censorship cases in which the Foundation was involved. In *Zykan v. Warsaw (Indiana) Community School Corporation* which involved, among other things, the banning and ultimately the burning of a values clarification text, the Seventh Circuit unfortunately rejected the Zykans' appeal which we supported in an *amicus curiae* brief. The court did leave open the opportunity for plaintiffs to refile. However, the case will not be reactivated.

In the Second Circuit, two cases, *Bicknell v. Vergennes* and *Pico v. Board of Education, Island*

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So far the campaign has not been endorsed by the Moral Majority in other states. But in a telephone interview, the Rev. Donnie Cantwell, head of the Virginia chapter, reported that his group is "monitoring" the North Carolina situation and he plans to meet with Mooneyham. "We do intend to look at some books," he said. "Basically we will see what's happening in North Carolina and decide what sort of problem might exist and whether we need to get involved." Reported in: *Raleigh News and Observer*, December 18, 27; *Wilmington Morning Star*, December 18; *Norfolk Ledger-Star*, January 2.

Trees were decided together. *Bicknell* involved the removal of *The Wanderers* and *Dog Day Afternoon* from the high school library. In this case, the appeal was denied. However, in the important *Pico* case, which involved the removal of nine books, including those by Kurt Vonnegut, Bernard Malamud, Piri Thomas and others, the district court dismissal was reversed and the case was remanded for trial. The school board has appealed for a hearing *en banc* (to the full circuit court) and we await a decision.

At its 1981 Midwinter meeting, the Board of Trustees confirmed its involvement in two new cases. In Pennsylvania, the Foundation joined with publishers organizations and bookstores in a suit challenging the constitutionality of a new law barring the exhibit of "sexually explicit" materials where minors are present. The new statute could make it impossible to vend or distribute many best sellers and works of modern fiction in places where young people can see them.

In California, the Mt. Diablo School District, situated across the bay from San Francisco, has placed various restrictions on the use of *Ms.* magazine in the high school library. Several individuals and organizations, including the American Civil Liberties Union and *Ms.* itself, have filed suit. To indicate our deep concern for the issues being litigated, the Trustees voted to donate \$250 to the legal effort.

Finally, I must report that the Board of Trustees has voted to increase minimum Foundation dues from \$10.00 to \$25.00 per year with a \$10.00 category remaining for students. This move was necessitated by both the increasing demands upon the Foundation's resources and the continuing inflation. Indeed, the increase does little more than return us to the real rate—in uninflated dollars—established at our founding in 1969. Moreover, staff has determined that it costs the Foundation a minimum of \$12.00 per member simply to meet the costs of membership.

Most important, however, the times demand that the Foundation rest on the most solid financial footing possible. Clearly, the tenor of the times indicate a rise in censorship and the library community must be prepared. Hence, in closing, I urge all of you to join the Foundation and if you are already a member, to increase your contribution if you can. If the great response to the Jeanne Layton appeal is any indication—and I believe it is—then the library community can and will rise to meet the challenges to free expression that lie ahead. The Freedom to Read Foundation remains, as always, firmly committed to marching in the vanguard of that effort.

AAParagraphs

obscenity regulation and school book censorship: some thoughts on the year ahead

By R. Bruce Rich, Counsel, Association of American Publishers.

The areas of obscenity regulation and school book censorship have been of continuing major concern to publishers and librarians. The present legal and political climate suggests that both of these areas will require even closer attention during 1981.

Obscenity Regulation

The constitutional guidelines presently governing state and local regulation of the sale of sexually-oriented materials to adults were formulated in the U.S. Supreme Court's 1973 decision *Miller v. California*. From the date of that decision, the publishing and library communities, among others, have been critical of the legal formula devised by the sharply divided Court. Particularly troubling was the Court's abandonment of the earlier *Roth* decision's "utterly without redeeming social value" test in favor of the more restrictive "taken as a whole" standard, as well as the Court's conclusion that the prevailing community standard against which the determination of the obscene nature of a work is to be based on a local rather than national one. Nonetheless, the *Miller* decision remains the law.

Given the present composition of the Court, and the five-Justice majority on this issue, there is little prospect for a liberalization of the *Miller* formulation in the near future. In fact, so predictable would be the outcome of a case involving a review of the *Miller* standards that even those members of the Court—such as Justice Stevens—who would favor a more lenient constitutional standard have consistently voted against reviewing such cases. When one considers further that those Justices likely to be retiring soonest—Brennan and Marshall—voted with the minority in *Miller*, the longer-term picture in terms of more liberal constitutional standards governing obscenity is not much brighter.

Since the *Miller* decision, a great deal of legislation has been enacted at the state and local levels in an effort to regulate the sale and display of sexually-oriented materials both to adults and minors. The legislation has taken widely varying forms, ranging from laws which simply incorporate the *Miller* standards to laws which go far beyond *Miller's* mandate and which unquestionably unconstitutionally impinge upon the availability of non-obscene reading materials to the general public. While much of the overbroad legisla-

tion has been successfully challenged, there remain on the books numerous state and local laws which, through their threat of criminal and civil penalties, have undoubtedly chilled the dissemination of constitutionally protected materials.

An increasing number of states and municipalities, having dealt with the subject of the sale of sexually-oriented materials to adults, have turned their attention to legislation dealing with the availability of sexually-oriented materials to minors and with the display or unwanted "thrusting" of such materials both to adults and minors.

However legitimate the concerns underlying such legislative efforts, much of the legislation which has emerged has blatantly trampled upon the First Amendment rights of adults and minors alike. A common example of such overly-restrictive legislation is found in the so-called "minors access" laws which typically prohibit a place of business from offering for sale to *anyone* materials deemed "harmful to minors," if minors have "access" to the place of business. Material is often defined in such statutes as being "harmful to minors" if it contains merely depictions or descriptions of nudity—a book- or magazine-banning standard which ignores all precedent concerning what is obscene as to minors, let alone what is obscene for adults.

Over twenty years ago, a unanimous Supreme Court in *Butler v. Michigan* condemned precisely this kind of legislation, the effect of which is to "reduce the

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As you are well aware, Council adopted the revised *Library Bill of Rights* at the 1980 Midwinter Meeting. Since that time, the Intellectual Freedom Committee has been revising the interpretations of that basic document, as well as other intellectual freedom policies to bring them in to line with the *Library Bill of Rights*.

In the process we have sought out and received stimulating comments and useful suggestions from the divisions and other ALA units. This process has continued during this conference. It is the Committee's intention to complete this task at the 1981 Annual Conference in San Francisco, at which time all revisions of intellectual freedom policies will be available for Council consideration.

The Committee, however, is submitting to Council at this Midwinter Meeting a new interpretation of the *Library Bill of Rights*. It is entitled "Exhibit Spaces and Meeting Rooms." This new interpretation responds to urgent requests by many libraries for clarification of Article VI of the *Library Bill of Rights* and for guidance on the application of this article to their quite varied situations.

adult population . . . to reading only what is fit for children." Yet, such legislation continues to be introduced and enacted, and it will be up to publishers, librarians, and others concerned with the First Amendment to undertake costly challenges through the courts.

Many states' efforts to control the public display of sexually-oriented publications have also manifested an insensitivity to the First Amendment. So-called "minors display" laws—the operation of which are similar to the "minors access" legislation just described—severely limit the availability of non-obscene materials to the adult reading population. Just as surely, measures aimed at protecting the public at large from offensive displays have proven susceptible to legislative abuse.

It is interesting to speculate on the effect which the present political climate may have on efforts at the state, local, and, indeed, federal levels to regulate the dissemination of sexually-oriented materials. The early indications are that considerable state and local obscenity legislation will be introduced during 1981, much of it focusing upon minors and display regulation. More difficult to predict is the extent to which legislation already on the books will be actively enforced in the coming year.

It is also interesting to consider whether, in spite of its entrenched views on regulation of sales to adults, the Supreme Court might agree to address the serious constitutional issues raised by "minors access," "minors display," and similar legislative provisions. As cases challenging such provisions work their way through the courts, the amenability of the Supreme Court to addressing such variations on the more traditional forms of legislation should become clear.

School Book Censorship

The extent to which local school authorities may, consistent with the First Amendment, determine the reading materials that school children may be exposed to in the classroom or school library presents an issue which continues to perplex the courts and defy easy resolution. If any generalizations may be drawn from the decisions of the various courts which have considered this problem to date, they are: (1) that school authorities enjoy great discretion in this area as a part of their broad inculcative function; (2) that the courts, in deference to the school authorities' educational mandate and in the interests of avoiding acting as a "super School Board" and opening the floodgates to litigation, are loathe to intrude in the educational process; (3) that, nonetheless, the school authorities' discretion is not boundless and that, at least in certain circumstances, First Amendment rights of students and others are implicated in the school officials' activities; and (4) that, where First Amendment claims are raised, the court will step in and resolve them.

The essential difficulty which the courts have faced involves defining with any degree of precision the circumstances in which the great leeway to be afforded school officials may be abused. Struggle as they have to arrive at a workable formulation which, on the one hand, would give school authorities suitable discretion, and, on the other hand, would avoid patterns of conduct which cast a "pall of orthodoxy" over the classroom inconsistent with the tenets underlying both the educational process and the First Amendment, the courts thus far have failed to develop any consistent or completely satisfying approach. A somewhat pessimistic, but, perhaps, realistic view of the nature of the problem was expressed by the court in the recent *Island Trees* case, where it was suggested that the problems presented do not yield "simplistic formulas" and ultimately depend for their resolution more upon "personal judgments" of jurists than reliable precedent.

The picture is far from bleak, however, from the First Amendment point of view. In spite of the uncertainty surrounding this area of the law, the fact is that every court which has considered the problem has at least recognized that First Amendment claims can arise out of school officials' conduct. And all, or nearly all, decisions to date may be read to conclude that if the school authorities' conduct amounts to efforts at rigid indoctrination or at systematic exclusion of ideas from the classroom or school library, such conduct would violate the First Amendment.

Without doubt the courts will continue to face more challenges to school authorities' book selection and removal decisions during 1981. The recent reports of increasing efforts to influence educators' and librarians' decisions as to the reading materials which should be available to students will, if anything, result in an increase in court actions.

It is also possible that the Supreme Court will in the near future agree to look at this issue. How sympathetic the Court would be to the First Amendment issues raised is difficult to predict; the clear opportunity such a decision would present, however, is for the statement of a coherent, workable (and hopefully First Amendment-sensitive) standard to govern school officials' decisions concerning what students may and may not read in the schoolhouse.

self-censorship: the proof is in the selection

By Jerry Watson, Assistant Professor of Education (*Children's Literature*), University of Iowa.

More than twenty years ago Marjorie Fiske identified self-censorship as the most insidious form of cen-

sorship when her survey uncovered that two-thirds of the librarians sampled in California refused to purchase a book if it, or its author, had been labeled controversial. During the next two decades, groups like ALA's Office for Intellectual Freedom and the Committee Against Censorship of the National Council of Teachers of English have strived to strengthen the grounds upon which book selectors may stand, should they be confronted by the threat of censorship. Supposedly, universities provide pre- and in-service training to help librarians and teachers select print and non-print materials for the enlightenment and entertainment values such materials might offer—not to avoid materials in fear of attack from potential censors. Do book selectors in the 'eighties continue to commit acts of self-censorship by avoiding controversial titles identified in selection tools?

A recently completed study was designed to measure the resistance of teachers and media specialists to a warning symbol found in book reviews when selecting books for a children's collection. (A full report of the study may be found in *School Media Quarterly*, Winter, 1981.) There is little empirical evidence regarding the extent of external pressure placed upon book selectors reading children's book reviews which warn about "offensive language," "inappropriate content," "immoral themes and action," "offensive illustrations," or "violence." One such manner in which a book review may be notated is by a warning symbol (*) accompanied by a footnote which explains the symbol identifying the objectionable content, as was stated on the Follett Book Company's pink warning bookmarks. In an effort to resolve a hypothetical situation whereby a book jobber may insert warnings in a catalog review, two questions were asked: (1) when making selections for a children's book collection, are book selectors influenced by a warning symbol (*) attached to a book review to such an extent that they will avoid ordering the book? (2) is there a difference when selecting warning symbol (*) books for different age groups of children; i.e., Picture Books (N-grade—2nd grade); Average Readers (3rd grade—5th grade); Advanced Readers (6th grade—8th grade)?

To answer the questions, 45 children's book reviews written by Ruth Stein and published in the journal, *Language Arts* (NCTE, October, 1978-June, 1979) were selected to test the influence of a warning symbol (*) upon book selectors when selecting books for a children's collection. All reviews chosen for the study had been written favorably and assigned a (+) symbol by Ms. Stein. The recommended (+) symbol for all reviews was deleted during the test, and a substitute warning symbol (*) was randomly placed beside 9 of the 45 book reviews. The substitute symbol (*), hereafter
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clean up TV?

"For years concerned citizens have urged, pleaded and even begged the networks to halt the trend toward increasing amounts of sex, violence and profanity. Instead of reason, restraint and responsibility, the networks have rather displayed an arrogance and indifference rarely matched in the history of corporate America." With these words, the Rev. Donald E. Wildmon of the National Federation for Decency, flanked by representatives of the Moral Majority, Phyllis Schlafly's Eagle Forum, and "pro-life" groups, announced the formation of a new Coalition for Better Television at a Washington press conference February 2.

According to Wildmon, the new organization includes "almost 200" groups "with a variety of backgrounds and perspectives." Initially, the coalition plans to spend \$20,000 on a twelve-week monitoring program. After that, the group will urge viewers to boycott products advertised on programs found to have an excessive number of "skin scenes," implied sexual intercourse, sexually suggestive comments, an undue emphasis on the human anatomy, violence "clearly intended to do bodily harm," or abundant profanity.

Working from forms, Wildmon explained, the television monitors will count scenes of sex and violence and write down profane words, noting the advertisers. The results will be tabulated by computer. Already the National Federation for Decency conducts monitoring projects in sixteen states. Last fall, Wildmon said, they graded 778 hours of prime-time shows and found the "least constructive" programs to be *Ladies' Man*, *Soap*, *It's a Living*, *Taxi*, *Three's Company*, *WKRP in Cincinnati*, *Vegas* and *Dukes of Hazzard*. They also determined that "for each 30-second advertisement, Revlon helped sponsor 18 1/2 sex scenes."

A similar campaign has also been launched by the Church of Christ in Joelton, Tennessee, which in November took out a major advertisement in *Newsweek* urging consumers to boycott products produced by General Foods Co. and American Home Products Co., among other sponsors. Programs singled out by the Joelton Church, which claims the support of 6,000 other unnamed congregations, included *Soap*, *Three's Company*, *Dallas*, *Saturday Night Live*, *Charlie's Angels*, *The Newlywed Game*, *The Dating Game* and *Three's a Crowd*.

Response to Wildmon's announcement was swift. Peggy Charren of Action for Children's Television, a vocal TV critic, said she "wouldn't touch them [the coalition] with a ten-foot pole. There's a difference between attempting to have shows removed from TV and trying to get better programming on the air." In a prepared statement, a spokesperson for CBS declared:

"No matter how well-intentioned, such efforts amount to censorship. We are also concerned that this effort to restrict the individual's freedom of choice by having only 'approved' television programs available may bring on similar campaigns directed at other communications media."

Wildmon denied that his coalition will be a censor because "censorship is an official act by some official body at some level of government . . . the networks have the right to spend their money where they desire, the advertisers have the right to spend their money where they desire, and the consumers have the right to spend their money where they desire." Reported in: *Washington Post*, February 3; *Nashville Tennessean*, November 21.

math society considers barring "anti-semitic" soviet journal

As the number of Jewish mathematicians published in the Soviet mathematical journal *Matematicheskii Sbornik* dropped from forty-four in 1972, to twenty-nine in 1974, to one in 1980, calls for the American Mathematical Society to halt translation and distribution of the publication increased. Since 1975, the society has had a contract with the Soviet copyright agency to make complete translations of five Russian journals and the mathematics portions of two others.

At the society's annual meeting in San Francisco in January, possible responses to the apparent bigotry—which far exceeds "official" Soviet anti-semitic policies—were debated, but a vote on the issue is not expected until fall. In the meantime, society leaders hope to influence the situation with letters of protest and, perhaps, offers to Soviet mathematicians to publish in U.S. journals. Many counsel patience, since the journal's editor, L. S. Pontrijgin, an elderly scholar long known as an exceptionally "vindictive, outspoken anti-Semite," cannot "continue forever as editor."

Several mathematicians are dissatisfied with the slow pace of action, however. According to one University of Wisconsin professor, "It is not a question of censorship. It is a question of what the American Mathematical Society will handle as its business. Peace or war are not in the hands of the mathematical society. But the human rights of our colleagues are." But a University of Toronto mathematician responded that a cut-off "would have far more bad consequences than good. It would be a reckless and hostile act toward the country and its mathematicians. It would do little more than feed the war hysteria which is already dominant in the United States."

Many society members are concerned that failing to translate the Soviet journal could cripple the free flow

of scientific information. Older mathematicians remember when there was no communication between American scientists and their Russian colleagues. The result, according to Ronald G. Douglas, chair of the society's translation committee, was "a great deal of unnecessary duplication. Now there is one literature, one mathematics. I don't want to see that change." According to Richard Palais, chairman of the society's board of trustees, "It would be a fairly significant loss to mathematicians, if we stopped translating." Reported in: *Chronicle of Higher Education*, January 26.

Our Own suit dismissed

Declaring that "the plaintiff has not demonstrated a probability of succeeding on the merits of its First Amendment claim," U.S. District Court Judge J. Calvitt Clarke Jr. refused to grant a preliminary injunction ordering the Virginia Beach, Virginia Public Library to distribute copies of *Our Own*, a homosexual newspaper published by the Unitarian-Universalist Gay Community. At the same time, however, Judge Clarke refused to grant the city's motion to dismiss. Nonetheless, several weeks later, the ACLU and the Unitarian-Universalist Gay Community announced that they were dropping the suit.

Our Own had originally been distributed at branches of the Virginia Beach library but was not officially included in the library's collection. After fundamentalist groups launched a campaign to remove the publication, the library ceased its distribution but added it to the periodical collection (see *Newsletter*, July 1980, page 75; November 1980, page 97; January 1981, page 16).

Brautigan is back

After nearly three years, five novels by Richard Brautigan, *Trout Fishing in America*, *The Pill vs. the Springhill Mine Disaster*, *A Confederate General from Big Sur*, *Rommel Drives on Deep into Egypt* and *The Abortion: An Historical Romance*, have been ordered returned to the shelves of the Anderson Union High School library by Shasta County Superior Court Judge William Phelps.

The books had been removed from the school in January 1978 by the school board, which declared the novels unsuitable for high school students due to vulgar language. Reading teacher V. I. Wexner and other plaintiffs, including students, had filed suit against the removal and were represented by the American Civil Liberties Union (see *Newsletter*, January 1979, page 11).

In his ruling, Phelps wrote: "This court does not feel that the books, once selected and in use, may be removed from the shelves because of coarse or vulgar language." Some parents, he noted, may want their children to read a wide range of books, even those with coarse language, while "other parents do not want their children to be reading these books." He thus ordered the volumes kept in a special area. Reported in: *Sacramento Bee*, November 21.

The Lottery wins

The Lottery, a film based on Shirley Jackson's 1948 short story about the ritual stoning to death of a woman in a small rural town, won a victory January 29 in the court of U.S. District of Minnesota Judge Miles Lord. The movie had been removed from the high school curriculum by the Forest Lake (Minn.) School Board in 1978 following parental complaints. Subsequently, several Forest Lake parents, supported by teachers and the Minnesota Civil Liberties Union, filed suit on behalf of students. The plaintiffs received financial support from the Freedom to Read Foundation (see *Newsletter*, July 1978, page 89; November 1978, page 138; March 1979, page 22).

After viewing the film, Lord could find no reason why it should not be shown in the school. "It [banning the movie] was done because of the [movie's] content," Lord said. Such a ban clearly violated the students' First Amendment rights.

School board attorney Paul Ratwik postulated that the board's intent was to respond to the film's "gratuitous violence" and he argued that "it is not unconstitutional for a school board to pay heed to the political winds in its district." Lord, however, responded that if parents are concerned about depictions of violence, "they'll have to throw out their TV sets." He also noted that many students will be registering for the draft and that if they go into the military, "they'll be taught to take a sawtooth bayonet and carve somebody."

The judge agreed to reconsider his decision if the board could show that its action was not based on the film's content. "There may be a big political message in that movie. It may be there are some people who don't want other people to hear that message," Lord said. Reported in: *St. Paul Pioneer Press*, January 30.

in review

Naming Names

By Victor S. Navasky. The Viking Press, 1980. 482 p. \$15.95.

Naming Names, *Nation* editor Victor Navasky's study of the anti-Communist purge and blacklist in Hollywood, is not just "another book about the McCarthy era." It makes no claim to cover the full canvas of that dark period, nor does it even attempt to uncover the political, social and economic bases for the hysteria of the witch hunt years. Instead, Navasky's project is a more focused one; his goal is to comprehend those who testified, who informed on friends and former comrades, who, to clear their own names, named the names of others: the informers.

As Navasky puts it: "The architects of repression created the conditions under which good people and organizations betrayed their friends, but that is really all they created. They opened the door to the informer, but they did not determine who would hold the door open, who would walk through it, and who would stand idly by watching the traffic" (p. 76). Hence, *Naming Names* is not really a book about the McCarthyites—indeed, the celebrated Wisconsin senator and his counterparts in the House appear only in walk-in roles. The subject of Navasky's book is, rather, the liberals and the civil libertarians, those who should have opposed the inquisition but, instead, with rare exceptions, capitulated before it and even cooperated with it.

The focus here is on Hollywood, not mainly because that's where the juiciest gossip may be found—although for those, like this reviewer, who are somewhat titillated by revelations about the political pasts of show business celebrities, the book is almost encyclopedic. Hollywood is the subject because it affords Navasky an opportunity to study the phenomenon of informing under near-laboratory conditions. The film-land political community was a closed one, and, for reasons peculiar to the industry, the issues raised by the challenge of the witch hunters were focused more sharply here than, perhaps, anywhere else. There were other blacklists in the 'fifties and it can be argued that many "ordinary" people suffered far more than the relatively well-to-do celebrities. But the Hollywood blacklist was in some ways the most effective. Navasky informs us that while "the entertainment industry in general posed the smallest threat to the security of the Republic, it yielded the greatest per-capita number of citizen-informers."

To determine why some informed and some did not, Navasky painstakingly interviewed over one hundred and seventy-five people. For much of the book he lets them speak for themselves. What emerges is a

gripping and deeply enlightening journey through the psychology of collaboration and resistance. Despite all that has been written of these years, this is perhaps the first time that the reader who did not live through the era begins to get a sense of what it was really like to be at the center of the maelstrom.

One reviewer of the book, writing in the show business weekly, *Variety*, has argued that the decision whether to cooperate or not with the blacklists was an insoluble moral dilemma. There were "those who made a decision and have no regrets and those who made a decision and have regretted it since. Whether the decision was to talk or to remain silent is immaterial . . . Like the man says—you have to have been there." Cognizant as he is of the often enormous pressures, external and internal, on those who capitulated to the "degradation ceremonies" of the witch hunters, Navasky nonetheless will have nothing of such moral agnosticism. "Since we cannot know the deepest motives of any individual on either side, perhaps it is the beginning of wisdom to acknowledge that, whatever their motives, the resisters did the right thing, and, whatever their motives, the informers did not" (p. 406), he concludes.

Naming Names is jam-packed with lessons, big and small, for thinking people on all points of the political spectrum, to the author's right and to his left. But perhaps the most profound lesson is contained in Navasky's ruthless demolition of one of the central arguments of post-World War II anti-communist liberalism—the notion that the liberals' failure to stem the reactionary tide of McCarthyism in the 'fifties was a product first and foremost of their previous supposed failure to dissociate themselves from Stalinism in the 'thirties and 'forties. The kind of twisted thinking which led the ACLU to purge its own ranks of alleged Communists and Communist sympathizers so that somehow its devotion to civil liberties would appear more "legitimate" was widespread, and though its failure should be evident, too often it is not.

In example after example, Navasky reveals how those who at first thought they were standing up to the repression ended up joining in it, supposedly so they could better fight it. One of the most poignant of such tales is the story of an attempt by liberal directors, led by Joseph L. Mankiewicz, to prevent the red-baiting Cecil B. DeMille from implementing a mandatory loyalty oath adopted by the Screen Directors Guild under right-wing pressure. To prove their own loyalty, the liberal directors voluntarily signed their own oath and then, after succeeding in removing DeMille and rescinding the mandatory oath, Mankiewicz wrote to all SDG members asking them "as a voluntary act in affirmation of confidence in

your guild" to sign the very oath which he had been elected to oppose!

Navasky reluctantly concludes:

The majority of center liberals lived in the penumbra of the degradation ceremony and reinforced it by playing its game. McCarthy and McCarthyism were to be feared not because they represented a threat to individual rights so much as because they represented an interference in the fight against Communism. The degradation ceremony was deficient only to the extent that it confused an occasional "innocent" (anti-Stalinist) with the "guilty" (those unwilling to denounce Communism). But as long as it succeeded in delivering up bona fide reds the ceremony was to be supported.

What has made summation of this lesson difficult, however, is that, in fact, a majority of those who were called to task and suffered during these years were indeed "innocent," and it is easy to fall into a critique of McCarthyism on these limited grounds. Even those who were themselves Communists were generally not the revolutionary conspirators they were made out to be. Navasky cites the common remark that American Communists were Marxists masquerading as liberals. Actually, a more appropriate description would be that they were really liberals masquerading as Marxists masquerading as liberals. And as such, it would seem, they offered only the worst of both philosophies.

Indeed, one can readily sympathize with the comment of actor Marc Lawrence (who also told HUAC that the actor Lionel Stander had recruited him into the Communist Party by telling him that in the Party you "get to know the dames more"): "Anybody who had the guts to say, 'I'm a Commie and you want to cut my throat because that's what I believe?'—that's gutsy. But nobody said that. They were frightening everybody" (p. 224).

After reading this spell-binding book, it remains to consider what would have happened had this been the stand taken by the Communists. What would have been the response of liberals in that case? Would this have strengthened or weakened their own resolve to defend the rights of dissenters? Would this have made it easier for them to avoid the almost obsessive need to distinguish their own ideas from those to their left which so crippled the fight against repression?

As I was absorbed in Navasky's account, reports arrived from Peking of the show trial of Chiang Ching, Mao Tsetung's widow. I couldn't help but contrast Chiang's fervent defense of her ideas and actions and her concomitant disdain for her accusers, with the near-cowardly apologetics offered by many American leftists in the 'fifties. Chiang Ching is a symbol of China's Cultural Revolution of the 'sixties. And one cannot help but wonder whether spokespersons for America's "cultural revolution" of that decade will not soon also face trials of a sort. This time, no doubt,

the bugaboo will not be membership in the Communist Party; after all, history does not repeat itself that faithfully. Perhaps the code word will now be "terrorism," defined in such a way as to include the propagation of ideas which are terrifying to some. Will the objects of such a witch hunt respond like Chiang Ching? And, if so, will the lessons of the 'fifties be learned, if not their ideas? One can only speculate on the future, of course, but no matter what happens, *Naming Names* should be required preparation for both groups. —Reviewed by Henry Reichman, Assistant Director, Office for Intellectual Freedom.

Open Access to Soviet Book Collections

By Eugene Slon. edited by Donald C. Robbins. London, Ontario, Canada: New Review Books, 1978. 382p. (For price, refer to publisher).

This important work has received little, if any, attention (never listed in *Library Literature* or *CBI*), but has a strong claim to notice by anyone concerned with the state of intellectual freedom the world over. Very little is known in the West about how Russian libraries actually operate, outside of a presently out-of-print 1962 ALA report of a visit by American librarians in 1961, and P.L. Horesky's 1959 work, *Libraries and Bibliographical Centers in the Soviet Union*.

Slon evinces a deep understanding of the quite complex "open access" (or lack of it) Russian system, which is directly related to the clearly political role of the Soviet library. In 1959, the Central Committee of the Communist Party of the Soviet Union defined the Soviet library's task as "... propaganda of the historic decisions of the XXI Party Congress, the explanation of the policies and decisions of the Communist Party and the Soviet government, the provision of active support to the party and state in education, and the raising of communist consciousness and cultural-technical level of the Soviet people." Although the resolution went on to call for making the holdings of Russian libraries "... accessible and usable in real practice for all citizens, particularly students," the reality is, of course, quite different.

Based in large part on Slon's 1971 masters' thesis (S.U.N.Y. at Genesco) this thoroughly researched (400 articles and books are cited, mostly Russian-language) and truly unique study is full of discerning insights and important generalizations. For example, it is not too widely known that Lenin himself, as far back as 1913, criticized Czarist library policies and advocated using the New York Public Library as a

(Continued on page 54)

— censorship dateline —



libraries

New Rochelle, New York

As a local newspaper aptly phrased it, "It was an offer the New Rochelle Public Library Board of Trustees apparently couldn't refuse." After the library board had spent a frustrating half hour trying to convince the City Council not to cut its proposed 1981 budget, Councilman Don Zaccagnino, Assistant Principal of New Rochelle High School, asked the board "to reconsider its decision to show" the Academy Award winning film *The Godfather* on December 27. The request won the support of Mayor Leonard Paduano and the Council majority.

Library Board President James Humphry responded, "We are prepared to reschedule the film. But, I cannot deny the people of New Rochelle the right to see that film at some time." This was a retreat from the library's previous response to a December 4 request by Richard Cappozola, Principal of Mt. Vernon High School and a New Rochelle resident, not to show the film at all due to its allegedly defamatory treatment of Italian-Americans.

At that time, Library Director Eugene L. Mittelgluck had written Mr. Cappozola "that such action would be inappropriate. We believe the presentation of this film is consistent with the responsibility of a public library to offer a broad spectrum of ideas, particularly those of a creative nature, through books and other media, without specifically endorsing their content." The library also offered Cappozola the opportunity to "present a critique or rebuttal in conjunction with the film showing."

As of late January, *The Godfather* had neither been screened nor rescheduled for future showing at the New Rochelle Public Library. Nevertheless, the library budget for 1981 was significantly slashed and the library's hours shortened as a result. Reported in: *New Rochelle Standard Star*, December 10.

Winston-Salem, North Carolina

On January 20, the day of its scheduled showing, the widely acclaimed French comic film about a homosexual couple, *La Cage Aux Folles* (Birds of a Feather), was canceled by the Forsyth County Public Library. In a prepared statement, Library Director William H. Roberts III said the library "sincerely regrets scheduling this film because the Tuesday night film series is meant to show classic films for all members of the family. Future films will be selected for showing based on their appropriateness for general audiences."

Roberts' decision came after Grady P. Swisher, vice-chairman of the Forsyth County commissioners and a library board member, complained about the showing. "I told him I was definitely opposed to it. I didn't think taxpayers' money should be used to show that kind of film," Swisher said.

More than one hundred people who showed up to see the film expressed bewilderment and outrage over the cancellation. Librarians estimated that at least sixty other people had called to see if the film would be shown. One of those who attempted to see the film at the library was Sister Michele Powers, a Catholic nun and Christian counselor. "I'm concerned with the whole human rights issue about what happened last night," she said. "This narrow understanding of morality that pushes one person's uninformed misunderstanding of the facts off on another person . . . I'm a mature woman who has a right to decide whether I'm going to do something or not."

La Cage Aux Folles has not been shown commercially in the Winston-Salem area, though it was screened privately for three days at Wake Forest University. Reported in: *Winston-Salem Sentinel*, January 20, 21.

Olympia, Washington

Appealing to the public records provisions of Washington's Public Disclosure Act, the state Moral Majority chapter has asked the Washington State Library to identify "the names of public schools or public school employees who have borrowed" a twenty-one-minute educational film entitled *Achieving Sexual Maturity*. Michael Farris, the group's Washington state Director, said he wants the information to document to legislators the widespread use of the film. The Moral Majority is campaigning for a law to require that parents be given a chance to preview such material before it is shown to students. Assistant Attorney General Tom Bjorgen said on February 6 that he did not know how the state would respond. Farris vowed to sue if the library does not release the circulation records. Reported in: *Spokane Spokesman-Review*, February 8.

Chapmanville, West Virginia

Mayor Chester Browning and the Rev. John Goff of the First Baptist Church have publicly demanded that *Image of the Beast*, an award-winning science fiction novel by Philip J. Farmer, be removed from the Chapmanville Public Library. Although neither filed a formal complaint with the library staff, they requested that the city council place an anti-pornography ordinance applicable to both the library and local stores on the next municipal ballot.

When first purchased by the library, *Image of the Beast* was placed on a special shelf and marked with a red "R," indicating its use was restricted and children could not read it without parental consent. The book contains descriptions of homosexual activity. According to Library Board Chairman Michael Pack, the book had been checked out only once before the protests began. Since then, he added, it has become "the best seller in Chapmanville."

Goff says he's concerned about books which "put mental pictures in the mind. They have no place in the library." Although offering no formal guidelines for identifying pornography, he personally defines it as "anything that would cause the mind to leave normal thinking. Some say a library should appeal to all types and lifestyles," Goff said. "That may be the lifestyle in New York City, but it's not the lifestyle here. We're not like the rest of the world."

According to Pack, the library posted a petition asking patrons whether they're in favor of or against controls on reading material in the library. A full page of signatures was collected against censorship, he reported. No one signed in favor. Reported in: *Charleston Daily Mail*, January 7.

schools

Huntsville, Alabama

A Madison County couple is batting .500, but just barely, in their campaign to get "creationism" taught in Alabama schools. In December, Bryan and Suzanne Tabor gained token success when the Madison County School Board agreed to recommend a series of books on "creationism" suggested by the couple to a textbook selection committee. Board members, however, stressed that they were not attempting to bring religious instruction to the classroom. When the Tabors appeared before the Huntsville Board of Education, January 7, the board refused to recommend the books. "The textbook selection system we have is a very democratic system, and I don't think the board would want to do anything that would interfere with it," a board spokesman explained.

The Tabors launched their campaign to have the

creation theory taught in schools last fall. Tabor, a minister from Owens Cross Roads, and his wife have won approval of their idea from the Madison County Council of Parent-Teacher Associations. Reported in: *Birmingham News*, January 9.

Waltham, Massachusetts

On October 22, the Waltham School Committee reversed a decision by the Assistant School Superintendent to remove pages diagramming contraceptive devices from the textbook *Concepts in Biology*, proposed for use in the Waltham High School advanced placement biology classes (see *Newsletter*, January 1981, page 10). The committee voted to withdraw its request for the book's adoption and instead, to photocopy for classroom use the chapters concerning biochemistry, genetics and ecology. W. C. Brown Publishing Company, the book's publisher, has granted permission for the school to reproduce the three chapters. The cost of reproduction will be less than purchasing the entire book.

Meanwhile, the day before the school committee reached a decision on *Concepts in Biology*, Superintendent John Daddona ordered another book, *War on Villa Street*, removed from libraries in the school system after a parent complained about its content. School committee member Paul Pomeroy, who was a vocal opponent of the biology text, also reported receiving a complaint against the "vile" book. "We do have librarians who are supposed to know what they are doing and should be brought to task," he declared. Reported in: *Boston Globe*, October 23.

Duluth, Minnesota

The Duluth-Superior Committee Against Registration and the Draft, which urges eighteen-year-old males to seek counseling on their rights before registering with Selective Service, will not be permitted to have its literature and speakers available to high school students in Duluth. The group had requested the opportunity to address senior social studies classes. John Cavanaugh, director of secondary education for the Duluth schools, said school policy allows the presentation of controversial views only when other points of view can be given. According to Cavanaugh, school officials tried to find someone to present opposing sides, but could not. Reported in: *Duluth News-Tribune*, January 6.

International Falls, Minnesota

When Fred and Elizabeth Fueller, a farming couple from the tiny community of Ray, south of International Falls, discovered that their eleventh grade daughter had been assigned in school a story containing

the common four letter word for sexual intercourse, they were enraged. The story, "The Copper Balloons" by Lewis Nordan, appeared in the October issue of *Harper's* magazine which, along with *Atlantic Monthly*, is used in teacher Lloyd Nordby's "Contemporary American Literature" class. The Fuellers demanded that Nordby be fired. The complaint was raised at an October meeting of the District 361 School Board, which apologized to the couple and asked Nordby not to use the story. But the board declined to fire the teacher, and the magazine subscriptions were not canceled.

This response was unsatisfactory, not only to the Fuellers, but to other like-minded parents who then organized Concerned Citizens for a Decent Education and demanded establishment of an independent committee to screen and censor classroom magazines, books and films. More than four hundred citizens crowded into the high school auditorium to argue the issue in one of three community debates where Nordby defended his assignments and other teachers, students, parents and board members spoke in his support. But the Concerned Citizens were also quite vocal. School Superintendent Jim Roberts personally sympathized with the protesting parents, but admitted, "We can't be responsible for every single word or article in the library . . . I'm not about to say my standards are the standards of the community or should be imposed on everybody. We sure don't want book burning or hard-core censorship."

After extended debate the school board voted not to establish a screening committee, but instead affirmed the existing policy requiring teachers, administrators and the board to review material prior to purchase. Roberts also reported that, in the future, parents of students electing the contemporary literature class will be warned by letter that some reading materials could contain offensive language. Reported in: *Duluth News-Tribune*, November 23.

Minneapolis, Minnesota

Superintendent Richard Green of the Minneapolis public schools announced December 9 at a school board meeting that he would prohibit a panel of gay and lesbian speakers from appearing in city elementary schools and that he would consider—and strongly favors—keeping the panel out of the secondary schools as well. He further implied that a total ban on the subject of homosexuality in the curriculum was a real possibility.

The issue arose when the Education Exploration Center (EEC) called the Community Resource Volunteers (CRV) to offer the services of a panel of speakers on aspects of gay and lesbian lifestyles. The

EEC has served as a clearinghouse for alternative school curriculum ideas and recently received a grant to develop a program on gay and lesbian issues for junior and senior high schools with a few lessons for elementary grades on such things as name-calling and "being different." The CRV, a district program which seeks out speakers on various issues and notifies teachers of their availability, agreed to publicize the panel and listed its availability in their newsletter. At the time of Superintendent Green's announcement, no teacher had requested the services of the EEC program, but several complaints from teachers about its listing in the CRV newsletter had been received. Reported in: *Minneapolis Tribune*, December 10.

Omaha, Nebraska

Students at the Omaha Christian School watched January 29 as their principal set fire to a pile of books that he labeled distractions which could "hinder Christian lives." Thrown into the flames were Batman and Daffy Duck comic books, *National Geographic*, a record album jacket of the defunct rock group, The Animals, and a book called *50 True Tales of Terror*. The Rev. Lars Wessberg, principal of the school, said his action was "symbolic" and that the burned materials had been contributed voluntarily by students. As the books burned, Wessberg read from the Book of Acts: "And not a few of them that practiced magical arts brought their books together and burned them in the sight of all." Reported in: *Baltimore Sun*, January 30.

Santa Fe, New Mexico

After public hearings on October 27 and 28, at which fifteen health and science textbooks were sharply criticized for promoting promiscuity and homosexuality, threatening family life, and undermining Christian teachings and morality (see *Newsletter*, January 1981, page 10), the Sub-Committee on Instructional Materials of the New Mexico State Board of Education recommended the disapproval of six texts. The State Board of Education voted to accept the recommendation on November 11.

The six text books are: *Modern Sex Education*, published by Holt, Rinehart and Winston; *Masculinity and Femininity* and *Modern Human Sexuality*, published by Houghton Mifflin; *Health, A Way of Life*, published by Scott Foresman; and *Your Health and Your Future* and *Exploring Science: Kindergarten through Grade 6*, published by Laidlaw Brothers. Eight of the disputed texts were approved for adoption and another was approved conditionally, provided the publisher offers a supplement strengthening the portion

of the book dealing with environmental concerns.

The board's action does not absolutely prevent local school districts from using the controversial texts. According to state school Superintendent Leonard Delayo, twenty percent of textbook money can be spent on materials not on the approved list. Reported in: *Albuquerque Tribune*, October 29, November 11.

Syracuse, New York

Members of the Syracuse Board of Education have informally decided to remove the Prentice-Hall textbook *Health*, by John LaPlace, from the district high school curriculum. After several board members attended a study session organized by parents opposed to the text, four of seven members—none of whom had read more than the specific passages to which the parents objected—announced that they would vote to remove the book from classrooms and school library shelves at the end of the year. "Removing the book in mid-year would only heighten curiosity about its contents," a board member said.

Opponents of *Health* claim the book makes arbitrary moral judgments on homosexuality, abortion, masturbation, birth control and childbearing. The textbook was recently banned from senior high school classrooms in the parochial schools of the Diocese of Buffalo, which is near Syracuse (see *Newsletter*, January 1981, page 10). Reported in: *Syracuse Post-Standard*, December 4.

State College, Pennsylvania

Our Bodies, Ourselves, the widely-acclaimed feminist health manual which has been a frequent target of censorship efforts, has been removed from open shelves and placed in the reserve collection at the State College Area High School library where students must specifically request it. Use of *Our Bodies, Ourselves* was restricted at the request of Suzanne B. Glasow of the Centre County Chapter of Citizens Concerned for Human Life who first filed a request for reconsideration last April. Mrs. Glasow was concerned about the book's "overly liberal approach" to abortion, homosexuality, masturbation and morality.

According to school district spokesperson Ed Frye, the matter was reviewed by a committee comprised of the high school principal, health instruction coordinator, two teachers and a private citizen. The decision was made in mid-fall and the book reshelfed November 4. Supporters of the book, however, did not learn of its reshelfing until later, and in early January met with the school superintendent to register their own complaint about the restrictions.

The complaint filed against *Our Bodies, Ourselves* was the third incident in the district since 1970. Previously,

objections had been raised to Shakespeare's *Merchant of Venice* because of its alleged anti-semitism and to a book of fables used at the elementary level. "We try to avoid problems," Dr. Frye commented, "but you have to realize you'd have a wasteland if you removed all material with sex, violence and treatment of minority groups. After a while, *Black Beauty* gets a little thin for adolescents." Reported in: *The Centre Daily Times*, January 2.

Hempstead, Texas

After seven years in the Hempstead School District library, *Go Ask Alice*, an autobiographical account of drug abuse written by an anonymous teenager, has been removed from the shelves after a parent complained to the district trustees. Superintendent Bill Shirley says the book has "a real good message," but is unacceptable because several pages are written in "vulgar, profane and offensive language." Shirley told reporters the district has no formal policy involving selection of books using profane language. Reported in: *Houston Chronicle*, December 3.

Vancouver, Washington

Despite the objections of three local Christians, *The Great Religions by Which Men Live* will still be used in the Vancouver School District, but the book's author, Floyd H. Ross, has announced that he plans to revise the work to pick out the "bones of contention." The book, originally published in 1956 for study groups in the Unitarian and other "liberal" churches, raised the ire of the Rev. Richard Temple by attributing belief in the physical resurrection of Christ to "ignorance." "If they're going to present Christianity, let's present it for what it is. The resurrection is the crux of Christianity," Temple said. The book, he argued, should simply report this belief without comment either way. The Unitarians do not believe in the physical truth of Christ's resurrection.

In its decision to continue using the book, the district's Learning Resources Review Committee noted that "materials provided for religious history are not intended to depict one religion as the religion or one religious figure as deity," and that "ancient history and its recordings are not an absolute and accurate science."

Author Ross, a professor at California State Polytechnic University, said he had considered revising the book before, but the complaints in Vancouver spurred him to tackle the job this summer. "There's a lot of room for improvement," he said. "It certainly wasn't designed as the ideal textbook for public schools." He said he probably will write "an addition

or two to take into account the wider spectrum of Christianity” and change the language and content of some controversial sections. Reported in: *Vancouver Columbian*, December 26.

Muskego, Wisconsin

A formal request to remove the controversial feminist health manual, *Our Bodies, Ourselves*, from two high school libraries in the Muskego area has been filed by a local woman. The school district has appointed a committee of staff members to review the book. The complainant stated that she objected to some of the work’s language. Meanwhile, in neighboring New Berlin, another woman has called every secondary school in the district to determine if the book was in their libraries, the librarian at New Berlin High School reported. He said that his library was the only one which had the book, and that the woman told him a formal request to remove it would be sent to his school. Reported in: *Milwaukee Journal*, January 16.

Oconto, Wisconsin

A formal request to ban Aldous Huxley’s 1954 novel, *The Doors of Perception*, from the Oconto Unified School District has been filed by a local parent. In the book, Huxley describes what he experienced while under the influence of mescaline, an hallucinogenic drug extracted from the peyote cactus, and he advocates “frequent chemical vacations from intolerable selfhood and repulsive surroundings.” It was this advocacy of drug use which Dennis Rasmussen found objectionable. “You spend a lot of time with your children at home trying to show them using drugs isn’t right. And then they turn around and give them reading material in school that actually comes out and glorifies the use of this drug,” he said.

Rasmussen became aware of the book after his daughter, a junior at Oconto High School, was assigned it in her English class. Rasmussen complained to the teacher who, he says, promised to review the book. After a month, Rasmussen had heard nothing further, and he filed a formal complaint. The teacher and the school principal declined to comment on the matter because it is being handled through established review procedures. District policy states the school has a responsibility to help students deal with the “real world,” and to encourage “free and critical inquiry.” But the policy also notes that “to impose any educational experience on a child against the parents’ will is to move toward the dangerous view that education is primarily the responsibility of the state.” Reported in: *Green Bay Gazette*, December 21.

student press

Ormond Beach, Florida

Following the confiscation before distribution of 1,000 copies of *Atlantis*, the student newspaper at Seabreeze Senior High School, school principal Gwen Giddle ordered that a student editorial be rewritten. The editorial discussed the use of alcohol by students under nineteen years old and the apparent lack of enforcement of the drinking laws. According to Mrs. Biddle, “It was not a well-written article. We’re not asking that it be changed, just that it be improved.”

Atlantis editor Toni Kushner, author of the editorial, disagrees: “The whole paper is poorly written, really. I mean, we’re only in high school, right?” According to Kushner, the line “teachers and students alike can be seen in local bars and nightclubs” was the real source of the controversy. She says that the newspaper staff got “the royal runaround” in its efforts to determine the reasoning behind the censorship. Reported in: *Orlando Sentinel-Star*, December 19.

Binghamton, New York

The Vestal High School student newspaper, *Bear Facts*, has resumed publication after school principal Roger A. Bell banned the November issue. The controversy was ignited by an article about drug use which discussed the price, availability and quality of five drugs in the school. Originally, Bell suspended publication of the monthly tabloid until the staff agreed not to publish the offending piece. However, after the newspaper staff began negotiating with their faculty advisor for publication of a more thorough three-part series on drug use, the suspension was lifted.

The student editors have also withdrawn a resolution presented to the school board that would have given the *Bear Facts* staff “full and unabridged right and permission” to publish the original story. According to the editors, one reason the resolution was withdrawn was that it addressed only the specific article. The editors’ goal is for the board to adopt a district policy on the operation and censorship of student newspapers. “If we can’t get the problem resolved through the school board, we could go to court,” the paper’s photography editor declared. Reported in: *Binghamton Evening Press*, January 28.

magazines

Washington, D.C.

Six District of Columbia drug stores, plus the 175-store Drug Fair chain, refused to sell the February issue of *Life* magazine to protest the publication’s payment of \$8,000 to Bernard C. Welch, accused of killing Washington cardiologist Michael Halberstam. The magazine had paid Welch for exclusive rights to photo-

graphs which accompanied an article about the slaying. Several of the drug store owners had known the murder victim. "We just felt this is a terrible thing to pay a guy and make him look like some kind of hero," said one of the boycotting druggists. Halberstam's brother, author David Halberstam, has called *Life* "an accomplice" in the killing which took place December 5 as the physician and his wife surprised a burglar in their home. Welch has pleaded not guilty to the murder charge. Reported in: *Washington Post*, January 27, 29.

Portland, Oregon

Fans of the late John Lennon may be having a difficult time obtaining *Rolling Stone* magazine's special January 22 tribute issue, which is devoted entirely to reminiscences and commentary on the life and music of the slain ex-Beatle. The cover is a photograph of a naked Lennon caressing and kissing his wife, Yoko Ono, and some stores have taken actions against it.

In its February 19 issue, *Rolling Stone* announced that it would offer the Lennon issue for less than the usual back-issue price until April 1 since "many readers have been unable to locate" it and "some retailers have refused to handle it." The magazine claims that several West Coast retailers banned the magazine outright and in Portland, Oregon the distributor reported that his 8,000 copies took twice as long to sell than usual because "of reduced retailer enthusiasm." Few stores refused to take the issue at all, he reported, but many did not display it as prominently as usual. Reported in: *Rolling Stone*, February 19; *Portland Oregonian*, January 20.

film

Cleveland Heights, Ohio

Penthouse International has once again voluntarily withdrawn the motion picture *Caligula* from an Ohio theater in response to the filing of legal suit seeking a permanent injunction against the film. The suit was filed in Cleveland Heights on December 16 by Special County Prosecutor Bruce A. Taylor and the film was withdrawn the same day. *Caligula* had previously been challenged and withdrawn in Fairlawn, Ohio, after the filing of a suit also prepared by Taylor, who is staff attorney for Citizens for Decency Through Law (see *Newsletter*, January 1981, page 13). Prior to the Cleveland Heights suit, a local resident had presented the Cleveland Heights Council with petitions against the film signed by 1,239 people. Reported in: *Cleveland Press*, December 16; *Cleveland Plain Dealer*, December 17.

Philadelphia, Pennsylvania

The controversial film, *Fort Apache, The Bronx*, did not open in Philadelphia February 6, the date of its national release. A spokesman for the Sameric Corporation, the movie theater chain which holds the Philadelphia display rights to the film, announced that it would postpone the opening after a Puerto Rican organization had threatened various actions, including a lawsuit, against it. The film, which stars Paul Newman, has been the target of virulent criticism since shooting began in the blighted South Bronx area of New York (see *Newsletter*, July 1980, page 78). Critics have charged that the Puerto Rican characters in the picture are portrayed only as "dope fiends, prostitutes, cop killers or maniacs." The movie is prefaced with a disclaimer that points out that it is specifically about the people with whom the police come into contact on their rounds. Reported in: *Philadelphia Inquirer*, February 5.

Vancouver, Washington

When the Clark College student government screened the "Monty Python" film, *Life of Brian*, on campus December 12, they did so over the protests of Rick Williams, a student and a member of the Minnehaha Church of Christ. Williams and his wife complained to the Clark College president that the film is "blasphemous" and should not be shown. *Life of Brian* is set in the time of Christ and revolves around a man named Brian who was born at the same time as Jesus and is continually mistaken for him.

"It's fine to make a humorous film, but the next thing they could be doing is a takeoff film on Auschwitz. There's got to be some human sensitivity," said Williams. But student production commissioner Mark Mescall, to whom the complaint was referred, refused to censor the showing. Instead, he took a poll and, when the vote was overwhelmingly in favor of showing the movie, turned down Williams' request. "The film program is for everyone to come and see. We don't twist anyone's arm," Mescall said. Reported in: *Vancouver Columbian*, December 26.

television

Hollywood, California

The CBS broadcast of the controversial *Playing for Time*, starring pro-PLO actress Vanessa Redgrave as Auschwitz survivor Fania Fenelon, not only generated "enormous" pressure against the network (see *Newsletter*, November 1980, page 123) but resulted as well in an "enormous" financial loss, vice president for programming Harvey Shephard reported at the company's semiannual consumer press tour January 6. The

financial loss was because "most advertisers refused to sponsor the show," and those that did clearly paid what were not normal ad rates.

The CBS executive refused to retreat, however, from the network's support of the Redgrave casting. "Vanessa Redgrave proved on the screen that she was the correct choice," Shephard said. Moreover, he added, "CBS set a policy that we would never blacklist a person because of their political viewpoints. CBS adheres to that philosophy." Reported in: *Variety*, January 7.

art

McCall, Idaho

The ice sculpture competition is a major event at the McCall Winter Carnival. But when artist Wayne Lemoine carved a sculpture of a naked boy urinating into a fountain, copied from the famous Manneken Pis statue in Brussels, there were complaints that such a subject was not suitable for a "family affair" like the carnival. So just before the ice carvings were to be judged, a front end loader pulled up to Lemoine's statue and, much to the artist's chagrin, reduced it to ice cubes. The grand prize then went to a sculpture which depicted a young woman dressed in a very tight-fitting dress. Reported in: *Philadelphia Inquirer*, February 9.

Jenkintown, Pennsylvania

A group of prints of etchings by Pablo Picasso, including one showing a reclining nude female and another with three nude figures, one a male facing away, were ordered removed from the Berg Gallery window in Jenkintown after a delegation of borough officials said they violated the zoning code. The relevant code provision prohibits displaying in store windows, within 1,000 feet of a church, pictures showing "human genitals in a state of discernible sexual stimulation." The gallery is located near the Immaculate Conception Roman Catholic Church.

"They're not pornographic," gallery owner Jack Berg said. "They're typical of the nude figures this world-famous artist did in the last thirty years of his life." Mrs. Ivy Schmidt, who sparked the move to remove the prints, disagreed, however. "I love Picasso," she explained, "but Picasso lowered himself when he did these etchings. He slipped a couple of gears." Mrs. Schmidt, whose husband is a borough councilman, admitted she told Berg that "if it becomes necessary, I will put a brick through the window." Reported in: *Philadelphia Bulletin*, December 5.

Vermillion, South Dakota

University of South Dakota art students Brad Martin and Lori Nyberg have charged university officials with censorship for removing several of their paintings and drawings from display in the lobby of the Center for Continuing Education because the works included the portrayal of frontal nudity. John Day, Dean of the College of Fine Arts, said he banned the art after being told it might offend some building visitors. He said the university would have backed the students had the paintings and drawings been displayed in an art gallery, and not in the public building. "It's appropriate censorship," Day commented. "It's a lot like the ratings for movies—some films are off limits to persons under sixteen or seventeen." University officials did not explain, however, how those eighteen and over, undoubtedly the majority of those enrolled in the continuing education program, could view the works in question. Reported in: *Sioux Falls Argus-Leader*, December 11.

foreign

Adelaide, Australia

The South Australia Attorney General has banned the showing of U.S. filmmaker Melvin Van Peebles' 1971 film *Sweet Sweetback's Baadasssss Song* at the Adelaide International Film Festival. The film, a commercial hit in the U.S., focuses on a black man who is raised in a brothel and makes a living performing in live sex shows. After reacting to the beating of a black prisoner by two white policemen by bashing in the officers' heads, he becomes a fugitive. The censor wanted *Sweetback's* opening segment, which treats the lead character's boyhood sexual initiation, removed, as contrary to South Australia's child pornography law. Claudine Thoridnet, artistic director of the festival and four other film board members resigned in protest. According to Mrs. Thoridnet, the Attorney General looked at only the first fifteen minutes of the picture and, she argued, his decision "will be taken everywhere as being because of racial attitudes." Reported in: *Educational Film Library Association Bulletin*, December 1980.

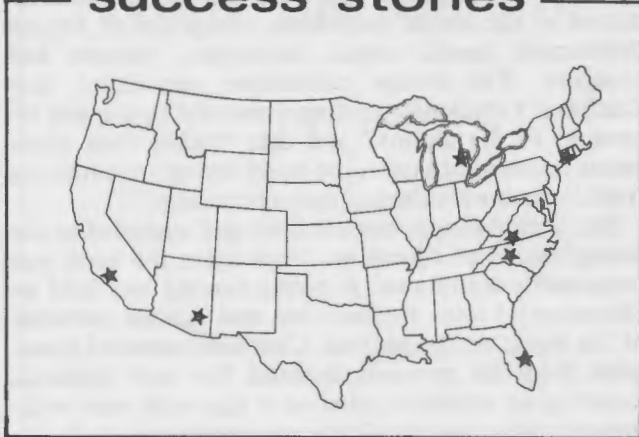
etc.

Decatur, Illinois

In yet another incident of rock record burning organized by two Minnesota ministers who travel around the country holding seminars on "What the Devil's Wrong With Rock Music" (see *Newsletter*, November 1980, page 139; January 1981, page 26), seventy young members of the Good Tidings Assembly

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success stories



libraries

Orlando, Florida

Two books by Norma Klein, whose writings exploring relationships between the parents and children of non-traditional families have been widely acclaimed, will remain in the children's section of the Orlando Public Library. One book, *Mom, the Wolf Man and Me*, is about an eleven-year-old girl whose unmarried mother lives with and later decides to wed her boyfriend. It deals frankly with how the child views sex, marriage and her mother's relationship. Recently, it was made into a TV movie for young people. The second book, *Naomi in the Middle*, involves a seven-year-old's adjustment to her mother's pregnancy.

A complaint was filed against the books by Mrs. Rusti Chaney, who discovered them while seeking reading material for her child. "I was one of those parents who thought that if it was in the children's department there was nothing to worry about," Mrs. Chaney said. "It really surprised me to find that kind of book."

In August, a ten-member review committee of library employees agreed with children's librarian Carol Peterson's recommendation to retain the books. Mrs. Chaney then appealed to the library board, which upheld the review committee's decision in October. "More people have requested the Klein books than have objected to their content," explained Ms. Peterson. "If we were to make Mrs. Chaney happy by removing these particular books, another whole segment of the community would be unhappy because we did."

Library Director Glenn Miller added, "If the library did not contain anything that somebody in the community didn't like, what we would have is an empty building. I don't want to hold up a flag that says if you don't like something in your library, go down to the

library and raise hell and we will take [it] off the shelves." Reported in: *Central Florida Sentinel Star*, December 7.

schools

Benson, Arizona

An overflow crowd of concerned citizens packed the Benson Union High School library November 6 for a school board meeting, but the main attraction never appeared. For several weeks, petitions demanding the removal of Daniel Keys' *Flowers for Algernon* from the school library and curriculum had been circulating in the community and the subject was on the board's agenda. But the petitions were never presented. The parent who initiated the complaint against the book—and whose own child is now reading another book in another class—was in attendance, but left early without speaking. And more than a few of the signatories asked to have their names removed from the petition. They said they had been misinformed about the issue. A school board spokesman distributed copies of the library's materials selection policy and explained the procedure for registering complaints. And with that the incident came to a quiet conclusion. Reported in: *San Pedro Valley News-Sun*, November 13.

Ledyard, Connecticut

Responding to a flood of complaints against a "blatant act of censorship," the Ledyard Board of Education voted December 3 to purchase 240 new and unaltered copies of *A Journey to the Arctic* and *Songs and Stories of the Netsilik Eskimos*, both of which are part of the *Man: A Course of Study* program, to replace the same two books from which seven pages had been intentionally removed by school administrators (see *Newsletter*, January 1981, page 9). "It makes you sick to your stomach to think of censorship happening today, especially here," one board member said.

The pages were removed after local clergymen and citizens expressed concerns and criticisms in private to school officials about infanticide, senicide and wife-swapping described in the course of an account of how Eskimos survived bitter winters in the 1920s. Many teachers who opposed removal of the passages complained to the board of a "witch hunt" by the administration to find out who had released word of the censorship actions to the press. But Ledyard resident Sally Boss, speaking at the board meeting, declared, "If we had any idea some silent pressure group was having enough influence to cause something terrible like this to be done, we certainly would have fought it." Reported in: *Hartford, Connecticut Courant*, December 5, 7.

Lapeer, Michigan

By a 6-1 vote the Lapeer Board of Education in early January overturned the decision of a committee of school administrators and returned *The Chocolate War*, by Robert Cormier, to the English curriculum in two Lapeer high schools. The parents of tenth grader John Sieloff had complained of offensive language and explicit descriptions of sexual situations in the book. They were supported by Nancy Devaney, a leader of Parents for Basic Education, which earlier spearheaded opposition to a proposed sex education program in the Lapeer schools. The district's two high school principals, the assistant superintendent of the district and the secondary curriculum coordinator had agreed to remove the book from reading lists, effective in January.

The novel tells the story of a parochial high school student who is pressured to join a school-sponsored chocolate sale. He faces great abuse when he decides to drop out of the contest. The English department at Lapeer East High School protested the decision to the board. "Certainly communities have a right to run their schools," said department head Ann Grunwald. "I just am not sure that one segment of the community that decides to involve itself is necessarily representative of the whole community. So often people who are satisfied do not speak out and those who have an ax to grind do." Reported in: *Flint Journal*, December 15, January 9.

Statesville, North Carolina

Aldous Huxley's *Brave New World* is back in the classrooms of North Iredell High School in Statesville following two months of controversy. While members of the county board of education agreed that students shouldn't have to read books they or their parents find objectionable and should be allowed alternate selections, on January 5 the board unanimously endorsed the recommendation of a two-member subcommittee to accept an earlier school media committee report in support of the book.

The controversy began on October 30 when parent Charles Campbell complained to Kenneth Wilson, North Iredell principal, about the book which his daughter was reading in a college preparatory English class. At Campbell's request his daughter transferred to another class. On November 4, however, Campbell filed a formal complaint against the book and demanded its complete removal from the school. Identifying himself as a member of the Moral Majority, Campbell said the book's theme is the "continued degradation of the moral character of our youth, advocating drug culture and blaspheming God." He suggested the book would "make a good bonfire."

In accordance with school policy the book was

temporarily withdrawn from the curriculum and submitted to the media committee, composed of faculty department heads, school employees, parents and students. The media committee concluded that Campbell's challenge "misrepresents the theme and intentions of the author" and that "rather than advocating immoral behavior, the novel strongly upholds the traditional moral values of our community."

But Campbell was not satisfied and appealed to the county board of education. Once again the book was temporarily withdrawn. A public hearing was held on December 11 with speakers for and against retention of the book. At the hearing, Campbell retreated somewhat from his previous demand for total removal, declaring he would be satisfied if the work were withdrawn from course work but remained available in the school library. In defense of Huxley, English Department Chairman Stephen Stobbe presented the board with a massive folder of material on *Brave New World* and intellectual freedom. According to Stobbe, his exhaustive research had failed to turn up "any serious literary critic who would even approach Mr. Campbell's view." On the contrary, he said, by rejecting Huxley, Campbell was unwittingly "rejecting his own values."

After the hearing, the issue was submitted to the board subcommittee which made its report January 5. According to subcommittee member Larry Hedrick, Campbell's original complaint was made after the parent had read only the first half of the book. Hedrick had similar feelings after reading that far, but when he finished the novel, he "honestly felt it had a message."

In recommending endorsement of the original media committee report, Hedrick issued a warning to parents with similar views: "For those of us who feel that life is like a highway and prefer to drive on the right," he said, "We must remember not to get too far right. The ditch on the right side of the road is just as deep as the one on the left, and not very far away." Reported in: *Charlotte Observer*, January 6; *Statesville Record and Landmark*, December 12 and January 6.

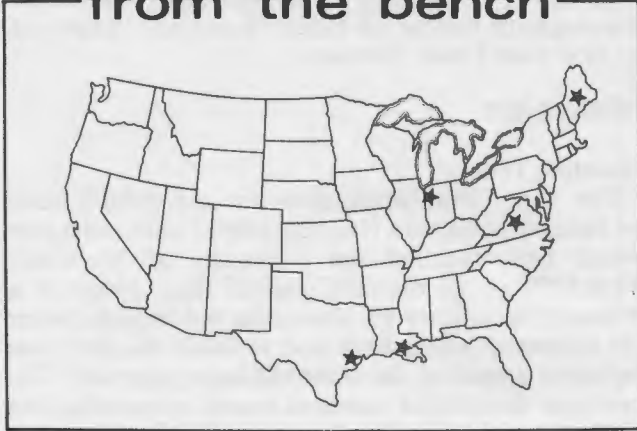
Christianburg, Virginia

The Christianburg High School production of the play, *Butterflies are Free*, was presented on schedule November 7 and 8, after the Montgomery County School Board voted unanimously to reverse a decision by the school's principal to cancel the production. The principal had received a complaint about the play's content.

The play, which concerns a blind young man's emotional growth as he moves out on his own, includes some implied offstage lovemaking, and words such as breast, homosexual, heterosexual, lesbian and, ac-

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from the bench



U.S. Supreme Court

In a decision with far-reaching implications, the Supreme Court ruled unanimously January 26 that states may allow televising of criminal trials. The decision clears the way for broadcast trial coverage even over the objection of the person on trial. The decision does not, however, require states to allow cameras or tape recorders into courtrooms and was not based upon any constitutional right of access for the broadcast media. The court only indicated that nothing in the Constitution expressly forbids TV coverage.

Chief Justice Warren Burger, who wrote the main opinion, commented: "Dangers lurk in this, as in most experiments. But unless we were to conclude that television coverage under all conditions is prohibited by the Constitution, the states must be free to experiment."

The court left open the possibility that in the future proof could be assembled indicating that television coverage does by nature interfere with the right to a fair trial. And the justices did not explicitly overrule the court's 1965 decision in the Billy Sol Estes case which had been widely interpreted as imposing a ban on TV coverage.

The opinion indicates that the defense lawyer or the accused personally may demand a hearing before the trial to argue against broadcast coverage. It also allows persons convicted at televised trials the opportunity to challenge the verdict on appeal on the basis that broadcast coverage interfered with the jury's ability to weigh the evidence fairly. Reported in: *Washington Star*, January 26.

On January 12, the Supreme Court agreed to decide whether the Federal Government can prosecute someone for depositing unstamped mail in another person's mailbox. A forty-seven-year-old law prohibits placing "mailable matter" that has not actually been stamped and mailed in private mailboxes. The court accepted an appeal by the U.S. Postal Service of a ruling by a

New York judge that the law violated the free speech rights of a Westchester County civic group. Reported in: *New York Times*, January 13.

The Supreme Court on January 19 also let stand an order that a reporter for the *Philadelphia Inquirer* be jailed for refusing to answer questions about her source for a story about the ABSCAM undercover operation. However, Jan Schaffer, the reporter, avoided serving the six month contempt of court sentence because the answers she refused to provide had become irrelevant. Reported in: *Washington Post*, January 20.

In other actions, on January 19 the court:

- Agreed to review restrictions placed on distribution of literature by Hare Krishna devotees at the Minnesota State Fair. The Krishnas are challenging a Minnesota requirement that all state fair solicitors rent booths and confine their activities to the booths.

- Refused to review a lower court ruling upholding the firing of a Mexican-American employee for speaking Spanish on the job. The Bloor Lumber and Supply Company, of Brownsville, Texas had a rule that only English must be spoken on the job unless Spanish was needed to talk to a customer.

- Refused to consider the appeal of Madge Walling, former librarian of Port Townsend, Washington, who was fired by the town's library board after resisting an order to weed old books out of the 25,000 volume collection. She asked for Supreme Court review because she had not received a hearing to challenge her dismissal and because, she contended, her firing was the result of a vendetta against her. Reported in: *Washington Post*, January 20.

church and state

Jefferson Parish, Louisiana

Arguing that the U.S. Constitution "guarantees freedom of religion, not freedom from religion," U.S. District Court Judge Adrian G. Duplantier ruled December 17 in favor of Louisiana's new local option school prayer law (see *Newsletter*, September 1980, page 106). He said classroom prayer is voluntary under the law, and he believes the Supreme Court never intended to say there could be no prayer in public schools.

The American Civil Liberties Union had filed suit December 4 against the Jefferson Parish School Board and the state of Louisiana in a challenge to a prayer in school policy adopted the previous day by the board, implementing the new state law permitting "voluntary" school prayers. The suit attacks the law as a violation of the First Amendment to the U.S. Constitution.

The law permits local school boards to adopt plans for holding brief prayer periods in any school, led either by the teacher or a student volunteer. Students not wishing to join the prayer can leave the room. Jefferson Parish was the first locality to establish such a policy. The program had been scheduled to begin on a pilot basis in three schools December 18. All schools in the district are scheduled to participate in the prayer sessions by January.

The plaintiffs in the case include three parents, five students and two Jewish rabbis. The parent and student plaintiffs are named only by first name and last initial to avoid harassment and possible "social problems" the students might have in school. The suit charges that "school children will be required to participate in a religious exercise that is offensive to them, or to subject themselves to possible social ostracism by publicly excusing themselves from class."

ACLU attorneys said the decision will be appealed to the Fifth Circuit Court of Appeals. "In the end we will certainly win," state ACLU Director Jay Pultz said. "I don't think there's any question that it's unconstitutional. It's not as blatant as other school prayer laws have been, but it's the same basic principle." Reported in: *Baton Rouge Advocate; Shreveport Journal*, December 5; *New Orleans Times-Picayune*, December 5, 18.

magazines

Lynchburg, Virginia

For three days, *Penthouse* was legally banned in Lynchburg, home of Moral Majority leader Rev. Jerry Falwell. But the cause was not explicit photography or saucy stories. Instead, the problem lay with the magazine's publication of a lengthy and "exclusive" interview with Falwell, which the television preacher claims was obtained through deceitful means.

The ban came in the form of a temporary restraining order barring distribution of the March issue, delivered by U.S. District Judge James C. Turk on January 30 and sought by Falwell's attorneys. Judge Turk said the three-day order was designed to give both sides a chance to be heard. However, he failed to renew it after that period, declaring instead that "the proper relief is to seek compensatory damages after the fact rather than prior restraint. It is a First Amendment case."

According to *Penthouse*, the three-day prior restraint order was moot anyway, since most of the magazine's circulation of five million was already shipped and "beyond our control." The Lynchburg distributor reported that he had routinely delivered 2,000 copies while the injunction was still in effect. "Nobody told me anything," he explained.

Falwell has filed suit for \$10 million in damages against *Penthouse*. He does not challenge the accuracy

of the text of the interview, but objects to its appearance in a magazine that he has called "salacious." Reported in: *New York Times*, February 3.

television

Houston, Texas

The U.S. Court of Appeals for the Fifth Circuit on January 14 stayed a Houston federal court order that would have required the University of Houston's KUHT-TV to air the controversial film, *Death of a Princess*, by January 17. The ruling was expected since the university would have had to show the film even before its appeal of the order had been processed. The two-hour docudrama recreates events surrounding the 1977 executions of a Saudi princess and her lover and has aroused considerable controversy and forceful condemnation by the Saudi government (see *Newsletter*, July 1980, page 71; November 1980, page 134).

The university had refused to air the film last May, citing "strong and understandable objections by [the Saudis] at a time when the mounting crisis in the Middle East, our long friendship with the Saudi government and U.S. national interests all point to a need to avoid exacerbating the situation."

Following the ban, a former Houston school board member sued the university-owned public television station and, after a series of complicated legal maneuvers, Judge Gabrielle K. McDonald issued the order mandating telecast of the film. McDonald argued that permitting the station to in effect rule on the program's acceptability would "encourage the planting of seedlings which, on attaining full growth, would install the state of Texas, through the university, as a kind of single 'Ministry of Truth' as portended in George Orwell's *1984*." Reported in: *Houston Post*, December 19, January 15.

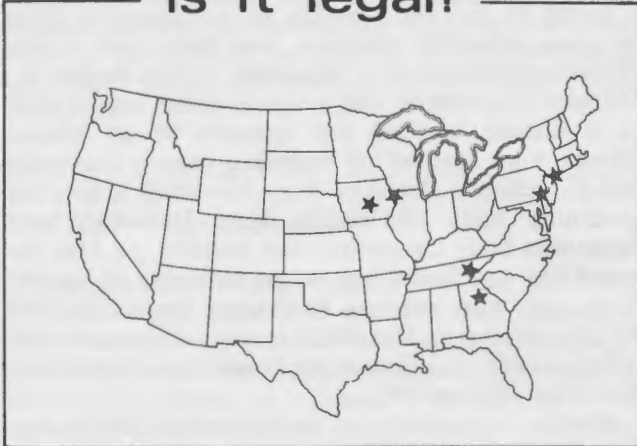
commercial speech

Maine

A 1977 Maine law banning outdoor billboard advertising was declared unconstitutional December 22 by the U.S. Court of Appeals for the First Circuit. The law was struck down on the grounds that it was too broad in restricting not only advertising by businesses, but advertising by church groups, issue-oriented organizations and political factions. "In short, the statute's impositions are both legally and practically the most burdensome on ideological speech, where they should be the least," the court said. The decision reversed a lower court ruling in favor of the law. Reported in: *Boston Herald-American*, December 25; *Baltimore Sun*, December 23.

(Continued on page 55)

is it legal?



church and state

Des Moines, Iowa

The use of taxpayers' money to fund a Christmas caroling program run by the Des Moines Mid-City Library has been challenged as unconstitutional by the Iowa Civil Liberties Union in letters sent to the city attorney and the Des Moines Public Library Board of Trustees. "It is wonderful for the city to fund a program which teaches young people to share the holiday spirit of love and giving," said Julie Golden, ICLU Executive Director. However, she added, the city "does not have the right to teach anyone the Christian religion at the exclusion of any other religious beliefs." The Mid-City Library Carolers, a group of fifteen children aged from seven to fourteen, sang carols at various Christmas pageants. Newspaper pictures of the group showed two children wearing signs reading, "I am the Cross" and "I am a Sheep—Jesus compared his followers to me." Reported in: *Washington Post*, December 25.

Oak Ridge, Tennessee

At the Tennessee State Class AAA Football Championship game in early December, the competing teams from Germantown and Oak Ridge High Schools knelt in prayer before taking the field. The prayers were not uncommon in Tennessee—nor, indeed, in many other states—where school athletic teams regularly pray together before and after games and during practice sessions. But this time the prayers came in defiance of an opinion released by the Tennessee Attorney General's office that group prayers by high school athletes are unconstitutional. The ruling, which lacks the full force of law and still remains to be enforced and tested in court, has provoked the ire of football coaches, athletes and parents statewide who have vowed to "keep God in the locker room."

The controversy arose when Arvin Quist, whose two sons attended Oak Ridge High School, questioned the practice. According to Quist, an engineer for Union Carbide, "This introduction of religion into [school] activities . . . was accomplished in ways that made it very difficult, if not impossible in some instances, for a student who wished to engage in certain sports to be able to avoid participating in religious ceremonies." Quist said that his sons, both state champion track stars, were disturbed about twice-a-day prayers at football practice and prayers on the track team's bus. He said that coaches urged the praying as a promotion of togetherness and that peer pressures forced the players to join in.

Tennessee coaches were nearly unanimous in opposing the ruling and many vowed to "break the law." Several pointed out that Oak Ridge, home of major government and private facilities for nuclear research and production, differs in composition and character from most communities in the state. Coach Turney Ford of Gordonsville, a forty-one-year veteran of coaching, also commented, "It seems someone is always trying to tear down the American traditions and ideas we believe in. I hesitate to sound radical, but it makes one wonder if there isn't a communist influence, which leads to some of the challenges against the things Americans hold dear to them." Reported in: *Knoxville Journal*, December 8; *Baton Rouge State Times*, November 26; *New York Times*, December 7.

free press

Dubuque, Iowa

When on November 22 KDUB-TV cameramen were the only ones to capture on videotape the brawl which ensued when police officers tried to arrest a man for burglary at his own wedding, news director John Barton and station manager Charles Cyberski expected to hear from law enforcement officials seeking to view the unedited tapes. However, they were hardly prepared for them to show up at the door without notice. "We anticipated a subpoena, but we were not prepared for a search warrant," Barton said. "A subpoena would have given us a chance to argue this thing in court," Cyberski added. "With a search warrant, we didn't have a right to an immediate hearing."

But Associate District Court Judge Allan Peterson did issue a search warrant and the station felt obliged to obey. "We didn't want our newsroom torn apart," Cyberski explained. The station, however, asked the Iowa Supreme Court to rule the warrant invalid. "It is a serious threat to the First Amendment and prohibits reporters from doing their jobs," Cyberski said.

The seizure of the tapes was the first time a search warrant had been used in any Iowa newsroom and only the fourth time one has been used in any newsroom in the country. A new federal law forbidding such searches except in specified circumstances took effect January 1 for federal officials and will apply to local officials after October 1. Reported in: *La Crosse, Wisconsin Tribune*, December 9.

Philadelphia, Pennsylvania

On December 1, 1980, the *Philadelphia Bulletin* reported that the home telephone records of three of its reporters—Francis X. Geary, Bruce Boyle and Thomas M. Burton—had been subpoenaed by the U.S. Justice Department in an attempt to discover who had leaked transcripts of taped conversations between a self-described Mafia hit man turned FBI informant and reputed mobsters.

The reporters' records, covering periods of 6 to 10 months and including all toll calls billed to the reporters' home phones, and dates and lengths of calls, were turned over by telephone company officials on November 26, 1979. The three reporters, however, were not informed of the action for a year because the phone company was directed by the Justice Department to withhold information.

According to Jack C. Landau, Director of the Reporters Committee for Freedom of the Press, "The Justice Department's attitude is that the records are not the property of the individual subscriber but of the phone company." Each year telephone companies honor more than 33,000 subpoenas for toll-call and other customer telephone records, but immediate notice is given to the telephone subscriber in fewer than ten percent of the cases, Landau contended. Reported in: *Philadelphia Bulletin*, December 2.

film

Atlanta, Georgia

In an unusual legal move which could be construed as inviting prior restraint, the distributor of the movie *Caligula*, Penthouse International, has asked a federal judge to determine prior to public screening whether the film violates Georgia obscenity laws. The film faced almost certain prosecution by Fulton County Solicitor Hinson McAuliffe, who had previously joined the New York-based Morality in Media in an unsuccessful effort to ban the film from all U.S. theaters. *Caligula* has been shown in 11 cities in twenty states and was legally challenged only in Boston and Ohio (see *Newsletter*, September 1980, page 101; November 1980, page 134; January 1981, page 13). Lawyers for Penthouse said Atlanta is the first southern city where the company has tried to distribute the film. Reported in *Atlanta Journal*, December 31, January 1.

Springfield, Illinois

A bill to ban the showing of pornographic films on state university campuses was introduced in the Illinois state legislature in November by Sen. Robert W. Mitchler (R-Oswego). The proposal comes on the heels of a dispute between the sponsors of an annual "Erotic Film Festival" at Northern Illinois University and the school's Board of Regents—which is also the governing body of Illinois State University and Sangamon State University—last summer. In July the board had approved a ban on the screening of X-rated films, but, after protests by student leaders and the ACLU, voted at its September meeting to interpret that ruling as only "a feeling of the board" (see *Newsletter*, November 1980, p. 138).

Mitchler was defeated in the November election, but Sen. John Nimrod (R-Glenview) has agreed to sponsor the bill during the legislature's 1981 session. Reported in: *Champaign Illini*, November 25; *Normal Vidette*, November 24.

libel

New York, New York

In 1974 Paul Georges, professor of fine art at Brandeis University, completed his allegorical painting *The Mugging of the Muse*. In the picture, three men, armed with knives, accost a partially nude young woman on a dark city street. Nearby, a winged cherub watches and a fire hydrant spews blood. Two of the three muggers wear masks which bear a close and striking resemblance to artists Anthony Siani and Jacob Silberman.

A year later, Mr. Georges showed a slide of the painting as part of a lecture to the Alliance of Figurative Artists in New York, of which both he and Mr. Siani are founding members. Shortly thereafter, Siani and Silberman filed suit for libel, alleging that the painting portrayed them as "violent criminals." They also asked for an injunction barring the sale of the work. Recently, the case came to trial and the two "muggers" were awarded \$30,000 each by a jury on grounds of libel. Georges has appealed the decision on First Amendment grounds.

The case is of special interest not only to those in the field of libel law but also to figurative painters. Alyin Sher, a sculptor who organized a defense fund for Georges says, "I don't want to be in a situation where I have to put a disclaimer on a piece of sculpture I might do." And Allan Frunkin, an art dealer, expressed alarm that the case may spark other lawsuits

against painters whose subjects are recognizable. "Will it come to the point where artists will have to ask their subjects for releases, as they do in the advertising business?" he asked. Reported in *New York Times*, January 4.

(Self-Censorship . . . from page 35)

identified as the warning symbol (*), was explained in a footnote which stated that the book had received at least 5 complaints because of "offensive language, inappropriate content, immoral theme or concept, offensive illustrations, or violence." No wording of the reviews was altered, except in the case of characters' names and book titles. The disguised reviews were altered to eliminate easy recognition of known books, and no other bibliographic information was provided in an attempt to control for personal bias regarding names of authors, illustrators, or publishers.

To ensure that each review would receive a warning symbol (*) for the administration within each population sample, 5 different forms of the same book reviews were tested. The population sampled in the study consisted of 197 (Ss) undergraduate and graduate students enrolled in children's literature classes at two major midwestern universities: The University of Iowa and Michigan State University. The sample consisted primarily of white, middle-class female students enrolled as teacher and librarian majors.

All subjects were provided an instrument of 45 book reviews and asked to suppose themselves in a situation where budgetary funds would allow for the purchase of 30 titles for a children's book collection from a book jobber's catalog. Each title chosen was to be circled on the book review instrument. Of the 30 total titles chosen, 10 would be picture books intended for pre-primary and primary age children; 10 titles would be for average readers (middle grades); and 10 titles would be chosen for advanced readers (upper grades).

Fifteen book reviews for three age levels were provided for possible selection. Three book reviews were randomly assigned a warning symbol (*) in each of the three age categories for a total of 9 warning symbols appearing among the book reviews. As only 10 book titles could be chosen and 5 rejected in each age category, it was hypothesized that if book selectors had a low resistance to a warning symbol (*) to avoid, then no (*) book title or only one (*) book title would be selected. If resistance to a warning symbol (*) was high, then book selections would include an average of 2 warning symbol (*) titles. It was also assumed that book selectors may reject books

rated with a warning symbol (*) as frequently for older children in the upper grades as when selecting picture books for children in pre-primary and primary grades.

Analysis of variance using a treatment by subjects design answered the two questions posed in this study: (1) a warning book review symbol (*) system exerts a negative choice—avoidance influence upon adult book selectors when choosing books for children. The average number of chosen (*) books was less than two per age category. Book selectors view the warning symbol as a stigma to a book's value. (2) Regardless of the intended reading age, adult book selectors reject to a great extent children's books based on reviews identified by a warning symbol. In spite of the favorably written text, children's book reviews marked by a warning symbol. In spite of the favorably written text, children's book reviews marked by a warning symbol alleging objectionable content as found in the Follett Book Company's pink warning bookmark policy; e.g., "offensive language," "offensive illustrations;" "violence;" "inappropriate" or "immoral," are strongly rejected by adult book selectors for children across all age groups from pre-primary through upper grades.

Book selectors may appreciate book reviews containing forewarning of objectionable content which may provoke censorship problems when the book is placed into circulation. Possibly, a more negative effect may result in encouraging acts of self-imposed censorship to be committed by the book selector. Such a deleterious reaction could possibly promote an attitude among the novice, insecure and uneducated book selectors that children's books are to be chosen which are considered safe and reflect only the moral standards of the adults of a community. Obviously the values, temperament and expectations of a community must be considered when selecting books for children, but as Ken Donaldson has argued, children's maturity, intelligence and sensitivity are the prime qualities to be considered first when selecting books for children, not the adult standards of a community.

Implications from this study clearly show that book selectors avoid selecting children's books containing objectionable content as identified by someone else. Further research should be designed to measure the effect of an instructional unit on changes in attitudes, skills and concepts when books for children are selected and to what effect undue fears and concerns of censorship problems are eradicated. Axiomatic theories have long been held that education and development of personal attitudes, concepts, and skills are viable and worthwhile components of a professional's training to adequately provide a sound defense against outside influence and interference.

Concentration in the areas of book selection, book evaluation, and book protection in censorship cases needs immediate practical and thorough attention. Teachers and media specialists as book selectors for children, either currently in practice or in preparation for their profession, should be provided with opportunities to develop well-rounded perspectives and strong convictions regarding book selection policies. Professional members need the confidence and armor building defenses that such workshops and units of study may provide when voices of complaint are raised in defiance against literary selections chosen for children's reading. The pressure of outside warning devices need not perform a crippling effect upon teachers and librarians.

(In Review . . . from page 39)

model for Russian libraries' suggested new system of making books readily and easily accessible to all—instead of the traditional policy of extremely limited access. Unfortunately, when Lenin came into political power after the Russian Revolution, as Slon points out, “. . . he often was inconsistent in his practical action.” In fact, Lenin instigated Communist Party control and staffing of the entire Soviet library system, with only active CPSU members eligible for library directorships. Their main task was to weed out so-called “harmful” items (counter-revolutionary, monarchistic, religious, and such) from public library collections.

Under Stalin, says Slon, “. . . Soviet librarianship attained greater political importance, and library work became more closely allied with the party in the pursuit of industrialization and collectivization.” In addition, a special kind of library, the collective and state farm library, flourished. Furthermore, according to Slon, “. . . while open access was being offered to those wishing to study Stalin's works . . . thousands of academic and public libraries throughout the Soviet Union kept their stacks closed to the average reader.”

The Khrushchev period (1953-1964) was a time when open access (comparatively speaking) flourished in Russian libraries, even to the extent of massive efforts to train readers in how to use library resources. Unfortunately, this meant access to “approved” books only; the “*spatskhvan*” (special deposit collections) of works by those out of favor with Khrushchev could only be consulted by research workers, party representatives, scientists, and economists.

Soon after World War II Czechoslovakian libraries were used, says Slon, “. . . as model for the introduction of the open access system and other innovations

in Soviet libraries.” Uniquely in the entire Soviet Union, in 1957 readers were given complete open-shelf access to all the books in all Czechoslovakian public libraries “. . . without involving librarians,” or, without a potentially damning written record being kept, as was (and still is) customary in most Russian libraries.

Finally, Slon records what happened in regard to open access thru 1970. This period had as its goal “. . . a new and more perfect form of reading guidance . . . (an) active influence in the selection of better books by readers, responding to the goals of the Communist education of the working people,” as a Russian librarian is quoted as writing in 1962. From questionnaires sent to American and Canadian librarians who visited Soviet libraries during 1961-70, it is clear that by Western standards Russian “open access” is not at all like Western “open access.” A majority of the foreign visitors found that “. . . open access to book collections in Soviet libraries was not available equally to all strata of the community.”

It is, perhaps, salutary for Americans to recall that the same could have been said, quite accurately, of a great many libraries in America's South as recently as the early 1960s. We cannot view with any particular feeling of smug satisfaction or superiority the current U.S. library situation. It is a cliché worth repeating that the war against censorship, against selected library access is never over. Russian denial of open access may be, as Slon concludes, “. . . a Soviet library enterprise introduced according to demands of Communist ideology.” But the current upsurge in America of such openly announced censorship groups as the Moral Majority and other radical right groups might well make the American library the tool of the demands of ultra-right ideology.

Slon's book is strongly recommended, not only for its wide, historical view of the tensions involved in the continuing openly political control of Soviet libraries, but for all its illuminating facts and opinions, illustrations of libraries, and statistical tables on Soviet libraries in general. It is very much worth adding to all library school libraries, as well as to the personal collections of those concerned with knowing about and fighting library censorship wherever found. There are a pitiful few English-language books on Russian libraries now listed in BIP, and this one is more authoritative and broadly encompassing than any of the rest. —Reviewed by Eli M. Oboler, retired University Librarian, Idaho State University, Pocatello.

(Censorship Dateline . . . from page 46)

of God Church in Decatur destroyed about \$4,000 worth of rock records February 7. “These records

stand for nothing but homosexuality and lust," said Ken Hinkle, youth minister of the church. Reported in: *St. Louis Post-Dispatch*, February 9.

Annapolis, Maryland

"These are obscene cookies, and there is no way you can get around that," said James Wright, Executive Director of the Maryland Moral Majority, after failing to persuade Annapolis police and the Anne Arundel County State's Attorney's office to arrest and prosecute a bakery manager for selling "X-rated" gingerbread men and women.

Mr. Wright contended that the Gingerbread Man bakery had violated Maryland law by selling male and female shaped gingerbread cookies with sex organs to two seventeen-year-olds sent into the store by the Moral Majority. It is a misdemeanor in Maryland to sell or display to persons under eighteen items representing humans with sex organs. Kathe Halter, the store manager, said the cookies, originally made only for private parties, became popular over-the-counter items after a customer saw some cooling in the shop. Ms. Halter said the cookies are kept covered and are not sold to customers who are obviously underage. However, she added, "I don't think they card a person to sell a cookie." She predicted that cookie sales would triple as a result of Mr. Wright's action. Reported in: *Baltimore Sun*, December 31.

(Success Stories . . . from page 48)

cording to drama teacher Charlene LaLuz, "a damn or two." In one scene which triggered the complaint, two students appeared onstage wearing underwear. When the play was produced several years ago by the Barter Theater in neighboring Washington County, the young man and woman in that scene wore bathing suits, which made no sense in the context of the play but was considered a courtesy to certain elements in the community by the producers. Reported in: *Roanoke Times & World-News*, November 6.

student press

Tucson, Arizona

The board of trustees of the Tucson Unified School District has rebuked district Superintendent Merrill A. Grant for requesting that the *Palo Verde Post*, a high school newspaper, not publish an advertisement for Catalina Family Planning, a non-profit birth control clinic (see *Newsletter*, January 1981, page 11). At its November 18 meeting, the board ruled Grant should have conferred with the board before banning the ad and that he "acted contrary to board policy." The district's Student Bill of Rights and Responsibilities provides for student press freedom except in case of

blatantly libelous items or stories which could result in legal action against the district. Thanks to the board's insistence, the ad appeared in the *Post* in December. Reported in: *Tucson Citizen*, December 2.

film

Hollywood, California

After being restricted from public viewing for thirty-five years, John Huston's World War II documentary study of the recuperation of shell-shocked soldiers, *Let There Be Light*, at last received the green light for exhibition when, on December 15, Secretary of the Army Clifford Alexander lifted the ban on its showing. On December 29 the film cleared its final hurdle when the Defense Department announced the terms of its release.

The film had been given its first public screening November 8 when the Los Angeles County Museum of Art held an unauthorized premiere (see *Newsletter*, January 1981, page 12). Subsequently, Motion Picture Association of America President Jack Valenti intervened with Alexander, who was described by Valenti as an "old friend" from the administration of Lyndon Johnson. In preparing the film for release, the Army bleeped the names of four soldiers from the soundtrack and covered one name briefly visible on a soldier's file. In the past the government had maintained that the film could not be made public because releases signed by soldiers appearing in it had been misplaced.

Prints will be sold by the National Audio-Visual Center at the usual rate for government documentaries. The first regular theatrical showing of *Let There Be Light* took place at the Thalia Theatre in New York on January 16 and 17. Reported in: *Variety*, December 17, January 7.

(From the Bench . . . from page 50)

chivalry and chauvinism

Montgomery, Alabama

The Alabama Supreme Court split 5-3 January 9 and struck down an 1852 state law banning "abusive, insulting or obscene language" in the presence of women. Joel P. Frolik had been convicted under the statute in 1979 for using obscene language in front of O.L. Bodenhamer's wife and young granddaughter after Mr. Bodenhamer flicked his bright lights when Frolik passed his car on a road at night. The court concluded that the law "makes an unwarranted gender-based distinction" and that its "laudable concerns to protect females as a class are not viable in light of the recent decisions of the Supreme Court of the United States." Reported in: *Baltimore Sun*, January 10.

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