

newsletter
on
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Judy Blume: target of the censor

For several years, children's and young adult author Judy Blume, whose novels have become contemporary classics of juvenile literature, has been a favorite target of would-be censors of school and public library collections. No sooner is one complaint against her resolved, than another pops up elsewhere. In Gilbert, Arizona, three Blume titles were removed from elementary school libraries and placed on restricted access in the junior high schools (see Newsletter, January 1981, p. 9). In University City, Missouri, a St. Louis suburb, one mother led a small demonstration outside the public library against Blume's young adult novel, Forever. In light of the controversy surrounding Judy Blume, the Newsletter asked children's author, editor and reviewer, Judith Goldberger, to comment on Blume's novels and on reader and critic reaction to them.

By JUDITH M. GOLDBERGER

The name Judy Blume has become a byword to millions of young readers. During the last ten years, her books have attained unprecedented popularity among eight-to fourteen-year-olds; her readership spans cultural, sexual, and racial boundaries; and the loyalty she inspires is fierce. Yet, so too is criticism of her books, which also comes from a broad range of sources.

While the storm rages around them, Blume and her fans enjoy the quiet warmth of good communication. She writes to children about love, jealousy, and the many fears of growing up. They write to her and say, "You don't know me, but you've written this book about me." The bond is strong, the relationship between writer and reader confident and relaxed. As one teenager, speaking about Blume's young adult novel put it, "If I wasn't meant to read *Forever*, Judy Blume wouldn't have written it."

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Washington Moral Majority backs down on confidentiality suit

On February 23, the Moral Majority of Washington, which had been demanding that the Washington State Library disclose the names of schools which had borrowed the film *Achieving Sexual Maturity* (see *Newsletter*, March 1981, p. 40), agreed to drop its lawsuit in support of the demand. The court dismissed the action "with prejudice," which means that the action cannot be refiled. On the advice of the state attorney general, State Librarian Roderick Swartz had refused to comply with the group's request. After the February 23 hearing, Michael Farris, executive director of Washington Moral Majority, vowed to take the group's "crusade" into the schools.

Virginia library seeks compromise in gay display

Despite a barrage of criticism from some library patrons and intense pressure from members of the County Board of Supervisors, the Fairfax County Library Board voted at a special session March 12 to retain a display of library materials on homosexuality entitled "The Lavender Life: Lesbians and Gay Men in History, Society and the Arts" in the Thomas Jefferson community library near Falls Church. The board directed, however, that books presenting opposing views be added and that a new sign be placed on the exhibit.

The display was suggested by Georgetown University student Charles Keener, who is a member of the library staff and an avowed homosexual. The intent was to advertise the library system's resources in books penned by homosexual authors and materials offering discussion and counseling in alternative sexual lifestyles. The assembled books—including works by Walt Whitman, Tennessee Williams, Oscar Wilde, and Gertrude Stein—"fit perfectly into board policy," said one library official. Keener fashioned a sign for the display in pale lavender letters on a pink triangle which was posted by the reference desk. The emblem's shape and color are said to derive from badges worn by homosexuals in Nazi concentration camps.

The board decision was welcomed by some critics of the display, including Fairfax Supervisor Thomas Davis, who called it "a very good compromise. I don't object to the books. That is the purpose of a library . . . [but] it must be a balanced viewpoint." Others—on both sides of the dispute—were less sanguine, however. County Board Chairman John Herrity declared, "The county government should not be in the position of encouraging people to read that type of material . . . I think the library board has lost its balance."

Keener, however, vowed to fight the decision to alter the display as a violation of his rights and the rights of other homosexuals. Reported in: *Washington Post*, March 13.

UNESCO identity card for journalists shelved

A UNESCO proposal to issue identity cards to journalists, supported by many Soviet bloc and Third World delegates but vigorously opposed by most in the West, was temporarily withdrawn February 17. The proposal, prepared by a French political scientist, Pierre Gaborit, would have created an International Commission for the Protection of Journalists

authorized to issue cards to reporters working abroad or in danger zones. But to prevent "licensed" journalists from indulging in "espionage or illicit propaganda," the commission would also be empowered to insure that they "conform to the generally accepted rules of professional ethics" and could sanction them by withdrawing the cards. Opponents of the proposal saw in it an attempt to censor news under the guise of protecting reporters. Reported in: *Washington Star*, February 17; *Chicago Sun-Times*, February 18.

dissent and the rent

Revolution Books, a chain of ten bookstores around the country affiliated with the Revolutionary Communist Party, has been the target of eviction efforts in four cities. In each case but one, the landlord has cited the political views of the literature sold in the stores as the basic reason for seeking eviction. In New York, the bookstore's landlord refused to accept rent payments for four months and then sought eviction for non-payment. After court marshalls padlocked the store for a week in early January, a judge ordered its reopening upon the payment of back rent. In Seattle, after months of publicly threatening eviction, the landlord agreed to negotiate a new lease.

The two most serious incidents took place in Berkeley, California and Cambridge, Massachusetts. In December, the Berkeley store was evicted after the landlord refused to renew the lease because, by his own admission, he did not like the books. Since then the store has been frustrated in finding new quarters, as vacant storefronts remain closed while landlords either denounce the store's politics or report intimidation or fear of vandalism by the store's opponents. On the University of California campus, where a student group, Friends of Revolution Books, set up a portable booktable of materials carried by the store, the Dean of Student Affairs threatened to ban the group for any "minor infraction of the rules." At a campus rally in support of the store, FBI photographers and the Berkeley DA were present and campus police pulled the plug on the sound system. Nevertheless, the store has won support from other area book vendors and at least one bookstore, Cody's, has invited Revolution Books to set up a table outside its front doors.

In Cambridge, the landlord has not cited politics as the basis for a sought-after eviction, but the circumstances have led many to question his motives and those of the Massachusetts Institute of Technology. Though MIT previously denied its involvement in the dispute between the store and Limestone Realty, it was recently revealed that the university is planning to

move a fraternity into the building. The original reason given by the landlord for the eviction—delinquency in rent—was quickly dropped when it was revealed that not only was the store paid to date, but that the landlord was holding a deposit equal to three months rent.

The landlord then argued that it was not a question of rent but of a new tenant—the MIT fraternity, as it turned out. The landlord admitted that when Revolution Books first tried to renew its lease in March there was as yet no prospective tenant. Nevertheless the store's overtures were rejected.

On March 12, the Cambridge District Court approved the eviction of Revolution Books, but on the same day the Board of Zoning Appeals instructed MIT to demonstrate "good faith efforts" to redo its alteration plans for the building and keep the bookstore on the first floor or help the store relocate. The store has appealed the eviction ruling. Reported in: *Revolutionary Worker*, March 20.

nudes held hostage

Tom Wesselmann paints large Pop art nudes which have been characterized as a bit explicit, but generally playful or, perhaps, a little sassy. For fifteen years, Wesselmann had been preparing a lavish and comprehensive book on his art. Last spring it was ready for the printer. As is customary for his publisher when a book requires high-quality plates, the manuscript was sent to a Japanese printer. The first set of proofs were sent to Wesselmann and returned to Tokyo with no problem. But a few weeks later, a second round of proofs met a different fate. When a representative of the printing company tried to re-enter Japan with these proofs, he was detained by customs. After several hours, he was allowed to return home, but the materials for the book were impounded as pornography.

Negotiations began, and the delay doomed any chance the book could be available for the Christmas rush. Finally, in mid-October, the printers were allowed to complete the job, but with the stipulation that two plates—one showing a closeup of a vulva, the other an erect penis—be omitted. Moreover, Japanese authorities demanded that no trace of the book remain in Japan. According to the publisher, the two offending plates would be inserted in the book in New York before final publication.

Wesselmann expressed both frustration and amusement. "I still don't know what happened exactly. They accepted one painting of an erect penis and rejected another. The nude they rejected was the same as one that was all right. We think of painting as being exempt from this sort of thing nowadays. I thought I'd have to go register my brushes with the police." Reported in: *ARTnews*, February 1981.

Today, many books for young readers deal directly with the everyday problems of growing up. But in the early 1970s, Judy Blume was a pioneer, breaking barriers of silence with novels such as *Are You There, God? It's Me, Margaret*, which relates a young girl's most private thoughts about the onset of her sexual maturity and her acceptance by a new peer group. In 1972, Blume wrote about a family in the throes of divorce, from the viewpoint of the adolescent daughter. In 1975, *Forever*, which plots a contemporary teenage love relationship, appeared. These and others of her novels have won the loyalty of young readers through her obvious identification and ability to communicate with her audience, and an outspoken mode of writing.

Judy Blume writes for and about today's children. And, because she writes about children's feelings, the honesty of her books is a key factor to her. Her allies—millions of juvenile (and adult) fans—would probably agree that it is her honesty which is a large part of what makes her so good to read. But it is also her honesty that makes her opponents so angry with her.

Blume's books definitely treat subjects that make parents nervous, subjects many adults have a great deal of trouble talking to youngsters about in any but strictly clinical terms. But an adult's agony over discussing these matters with children is nothing when compared to the personal agony the young experience when faced with the actual situations. And that is one reason why young people devour Judy Blume's books. They deal with matters of primary concern to their readers, with which many of those readers' parents can't or won't help them. Often, rather than talking *with* their children about touchy subjects, parents talk *at* them. Or they don't talk at all.

No doubt the largest group (or non-group, really) of critics are the parents of children who read, or try to read, Blume's novels—parents who do not always write articles or join protesting organizations, but who feel very strongly that their children will suffer from reading Blume's books. Their opinions might best be characterized by these statements, made by two different mothers: "There's no moral tone." "The more you talk about something, the more you think about it, and the more you think about it, the more you do it." What many parents fear is that, in writing about the way a group of fifth graders cruelly taunt an obese classmate, or in describing a seventeen-year-old girl's private vacillations and eventual decision to have sex with her boyfriend, Judy Blume will make her readers feel that such activities or decisions are good and right.

There is no punishment in store for a Judy Blume character who masturbates to comfort herself, or for

one who sleeps with her boyfriend and, after several months, ends the relationship. Some parents who are disgusted with or shocked by the content of Blume's books want statements of condemnation, or moral definition; others would rather these delicate subjects not be touched on at all. And the strong words her critics use to describe Blume's novels are testimony to their fear of the harm they believe the books might do. A Brigham City, Utah, mother complained that *Deenie*, which briefly mentions masturbation, contains "the vilest sexual descriptions" and, if given to "the wrong kid at the wrong time, [would] ruin his life." (see *Newsletter*, November 1980, p. 128). In Montello, Wisconsin, a parent group termed *Are You There, God? It's Me, Margaret* and other Blume books "pornographic trash." (see p. 66) Clearly, for many parents, whether to read Judy Blume is not a decision to be left in the hands of children.

Those who would have Judy Blume's books removed from library shelves, restrict their circulation, or otherwise keep them out of the reach of young people do not speak with one voice. Indeed, it seems that protest comes from all directions, from the political right and the left, and not only from parents.

John Garvey, in an article on Judy Blume's books in *Commonweal* writes:

. . . there is a new orthodoxy . . . being pushed in some schools, on television, and in a lot of children's literature. A few school boards have tried to make [the] fundamentalist objection to certain texts and library books look like the inquisitors versus us non-judgmental professionals, but frequently that isn't the case at all. The problem is that here one orthodoxy confronts another.¹

Similarly, in *Commentary*, published by the American Jewish Committee, the "neo-conservative" Naomi Decter writes:

These Judy Blume books . . . preach all the modern pieties and strike all the fashionable poses . . . quite apart from arousing and satisfying her young readers' prurient interest, the Blume books offer an ideal solution to the liberated parent who wonders how best to fulfill the uncomfortable duty of teaching his child sexual freedom.²

Thus, not only are Judy Blume books potentially sexually arousing, they teach a morality, according to Decter, that appeals only to proponents of sexual freedom. If that weren't enough, Decter, who is definitely not alone on this matter, criticizes Blume for encouraging children to focus narcissistically on themselves, narrowing their scope of literary experience by offering them only mirrors, views inward, instead of outward, toward the world around them.

The Council on Interracial Books for Children has quite another bone to pick with Judy Blume. Nearly all her books are situated in predominantly or totally white suburban settings, and involve middle class families.

Moreover, in her book *It's Not the End of the World*, it is apparently taken for granted that the children of divorcing parents will live with their mother. For these and other reasons, the Council says, Blume is racist and sexist, and does not present proper role models, alternative social or family situations, or divergent cultural settings.³

Viewing the controversy without reading the books, one gets a lopsided version of what is, after all, at the heart of the matter. What are Judy Blume's books really about? Listening to her critics, or opening the books to certain selected pages, one could say that *Are You There, God? It's Me, Margaret* is about a girl who wants a bra and worries at length about when she will get her period. Similarly, at the other end of the age spectrum of Blume's juvenile titles, *Forever* is about losing one's virginity.

Then, one reads the books from cover to cover and gets an understanding of the misunderstanding, a sense of the irony of what is happening. A primer course in adolescent psychology is more than ample basis to make clear that Margaret's concerns are classic identity-finding worries—normal, common, and universal in the sense that rules may come and rules may go, but having a group alliance and grappling with the onset of sexual maturity is everyone's worry at some time. *Margaret* is not about a girl who wants a bra, any more than *Hamlet* is about a man who is in love with a woman who goes crazy.

The heroine of *Forever*, seventeen-year-old Katherine, certainly thinks about having sex, for the first time, with the boy with whom she is in love. And passages of *Forever* are definitely bedroom scenes. These have been described as "explicit" and "vulgar," but compared to parallel scenes in adult novels, they are discreet, brief, and personal, as opposed to removed and sensationalist. More to the point, the focus of the book, and of Katherine's thoughts which she shares with readers, is her relationship with Michael, in *all* of its complexity. Katherine thinks a lot more about whether she will spend her summer with Michael and why her parents are upset about her going steady than she does about birth control methods.

Thus, ironically, concerned parents and critics read Judy Blume out of context, and label the books while children and young adults read the whole books to find out what they are really about and to hear another voice talking about a host of matters with which they are concerned in their daily lives. The grownups, it seems, are the ones who read for the "good" parts, more so than the children.

In spite of her critics, Judy Blume thinks there is nothing one shouldn't or can't tell a child. And, although the manner of telling is something which requires care, it is not, for Blume, a question of how

moral a stand to take on delicate subjects. Indeed, Judy Blume insists she purposely takes *no* moral stand, that the danger in moralizing in a realistic story is that there usually are no purely "right" answers. To claim that there are is to set guidelines that may not stand up to the test of reality.

When asked whether she had received any complaints from children, Blume explained that "one or two" young people had written to tell her that they found *Forever* "gross." She replied by counseling them to wait until they were a little older and to read *Forever* again. "Kids are their own best censors," says Blume. "They won't read what is over their heads." It is this faith in her readers that enables Blume to establish the kind of trust she and her fans have for each other.

Blume does not see herself in the role of super-parent-as-writer, nor as a champion of sexual or social exploration. She says it is not a "conscious effort" for her to come up with an idea for a book. She writes, remembering her own adolescent curiosities and concerns—the childhood of a white, middle-class woman—and no doubt, her own great need to understand and to know at that time in her life. If she allies herself with a cause, it is that of the child's right to know. "If they ask," says Blume, "they're entitled to an answer."

(Continued on page 81)

contest reminders!

The deadline for submissions to the Student Press Law Center's First Amendment essay contest for student journalists has been extended to June 15, 1981. Any articles published by that date are eligible. All entries should examine some aspect of freedom of expression, including such topics as: fair trial/free press, book censorship, gag orders, free speech for unpopular minorities, or student press rights. For further information see *Newsletter*, November 1980, p. 126 or contact the Student Press Law Center, 917 G Pl., N.W., Washington, D.C. 20001.

Submissions by contestants 18 years old or younger on the theme of "what free speech means to you" are eligible for a \$50 prize offered by the *Voice of Youth Advocates*. The contest deadline is June 30, 1981. Essays of no more than 1500 words, cartoons, poems or other creative work should be submitted by June 30, 1981 to *Voice of Youth Advocates*, P.O. Box 6569, Universtiy, AL 35486.

in review

The Court Years, 1939-1975

By William O. Douglas. Random House, 1980. 394 p. \$16.95.

Independent Journey: The Life of William O. Douglas.

By James F. Simon. Harper and Row, 1980. 464 p. \$16.95.

William O. Douglas was one of the most controversial men ever to sit on the U.S. Supreme Court. His opponents attacked him not only because he believed in civil liberties and establishing good relations with the Soviet Union and the People's Republic of China, but also for events in his private life—not the least, his purported womanizing and his marriages to much younger women.

During the late 1940s and early 1950s (at least until the Warren Court took shape), Douglas and Hugo Black were frequently lone—and lonely—dissenters, as the Court handed down decision after decision inhibiting First Amendment freedoms. Douglas states his position clearly:

The First Amendment always seemed to Hugo Black and me to be a "preferred" guarantee of the Bill of Rights. That idea was often ridiculed. But it is "preferred" because when it says "no law," that is in terms absolute and quite unlike the words "unreasonable" search or seizure in the Fourth Amendment or "speedy" trial in the Sixth or "excessive" bail in the Eighth. The values the First Amendment protects are necessary in a multi-racial, multi-religious, multi-ideological society of the kind we profess to be. The First Amendment sets us apart from other nations. It marks the end of all censorship, it allows the ability of the mind to roam at will over the entire spectrum of ideas, and the sanctity of one's beliefs. It—not our bombs or air force or missiles or manufacturing skills or merchandising methods or GNP—sets us apart. A symbol of our health is the respect we show to First Amendment values. It was the great welling up of those values that led to the tragic demise of the Nixon Administration, which, like no other in my time, had sought to level First Amendment rights. (*The Court Years*, p. 266).

When he first came to the Court, however, Douglas did not always take the side of civil liberties. In *Minersville School District v. Gobitis*, Douglas was one of the majority which held that Jehovah's Witnesses could indeed be compelled to salute the flag, despite that doing so is contrary to their religious beliefs.

In two other cases, *Hirabayashi v. United States* and *Korematsu v. United States*, Douglas upheld the right of the government to inter persons of Japanese descent in concentration camps. He was persuaded by the arguments of government lawyers that these people might prove a danger to national security—despite the

fact they were denied due process of law. Although he later changed his mind on both issues, these decisions have been seen by some as a blot on Douglas's civil liberties record.

Those who awaited the final volume of his memoirs in hopes Douglas would reveal his innermost thought processes will be disappointed. He views events almost strictly from the perspective of the bench. Nowhere does he share his personal life or feelings with us, even where those feelings might relate to issues before the Court. Indeed, although he mentions one incident which took place while he was traveling in Russia with his wife, he refers to her only as "Mrs. Douglas" assuming that the reader will know who he means.

Douglas's book is valuable for his impressions of the men with whom he worked. He gives high marks to several Court colleagues, particularly Hugo Black, Abe Fortas (a student of Douglas's at Yale Law School), and Byron White. He devotes an entire chapter to six presidents whose administrations coincided with his court service. (Ford is omitted—possibly because Douglas's stroke prevented him from recording his feelings. We should recall, however, that Rep. Gerald Ford introduced the 1970 resolution to impeach Douglas.) He writes more in sorrow than in anger about Truman, Kennedy (whom he had known as a boy), and particularly Johnson (the two men had been good personal friends, and Johnson's snubs—he claims the section of his manuscript dealing with LBJ was stolen from his office towards the close of the Johnson administration—obviously hurt Douglas). Douglas reserves his vitriol for Nixon.

Although James Simon does not take us into Douglas's soul, he does provide an excellent portrait of a compulsive workaholic. He describes Douglas's early bout with polio, his childhood poverty, his devotion to his mother, his college and law school years, his teaching career at Columbia and Yale Law Schools, and his work for—and on—the Securities and Exchange Commission prior to his appointment to the Court. After graduating from law school, Douglas worked for the New York law firm of Cravath, Henderson, and De Gersdorff, reorganizing bankrupt railroads. As a law school professor, he specialized in bankruptcy and corporate law—and it was this area of expertise which first brought him to the attention of Joseph P. Kennedy and ultimately to the Supreme Court.

There are some interesting contrasts between these two books. Simon makes much of the celebrated "feud" between Douglas and Felix Frankfurter. Douglas, on the other hand, denies the feud existed—although he enjoyed twitting Frankfurter. He does manage to get in some digs at Harvard Law School, where Frankfurter taught prior to his appointment to the Court. At one point, Douglas said to his clerk,

Peter Kreindler, a Harvard graduate: "Imagine me ending up with a Harvard clerk when I made all those speeches over the years saying that Harvard's only ability was to teach law at a distance of a thousand feet."¹

Both books suffer as a result of Douglas's last illness. His memoirs appear at times disjointed—perhaps, because the author neither participated in nor had control of the editing. Simon's account of Douglas's last years is less detailed than discussion of the same events in *The Brethren*.

Toward the end, *Independent Journey* reads a bit as if it had been rushed to publication. Its conclusion is abrupt rather than developed. While Simon obviously likes and sympathizes with Douglas, he does not hesitate to criticize his subject when he finds it necessary. But despite the impression of a "hurried" conclusion, Simon has written a thoughtful, balanced biography.

Douglas's tragedy in the end was not that he was attacked for his beliefs or his stand in support of Constitutional principles; rather, it was that he—like his friend and colleague Black (who also refused to retire despite a disabling illness)—did not know when to quit. Despite my disappointment in the overall quality of *The Court Years*, both it and *Independent Journey* are well worth reading by those who support Douglas's stand on First Amendment freedoms—and particularly by those who don't.—Reviewed by Susan Kamm, member, ALA Intellectual Freedom Committee.

¹"The reference, of course, was to the large box-office classes at Harvard as contrasted to the small clusters of seminars we ran at Yale." *The Court Years*, p. 175.

Nuclear Disaster in the Urals

By Zhores A. Medvedev. Random House Vintage Books, 1980. 198 p. \$2.95.

The subject of this little volume is not really within the purview of the *Newsletter*, yet it merits some attention as an excellent case study of the pernicious character—and ultimate futility—of censorship of scientific research. Zhores Medvedev is a dissident Soviet scientist, in London exile since 1973, who, with his historian brother Roy, has been a vocal critic of Soviet censorship practices. In the past, he studied and exposed the political imposition of the genetic pseudoscience of Lysenkoism during the late Stalin and Khrushchev years, an idiocy for which Soviet science paid dearly.

Medvedev's subject in this book is the little-known explosion of nuclear waste in the southern Urals near Cheliabinsk in late 1957 which contaminated an area the size of Rhode Island and resulted in the death of hundreds of people and the permanent evacuation of

thousands more. Vague rumors of such a terrible tragedy have floated about international scientific circles for years, but Medvedev is the first to fully investigate the subject and to uncover its fearsome dimensions.

I will leave it to others more qualified, in journals more appropriate, to discuss the scientific implications of Medvedev's detailed findings, though it should be noted that even for the layperson, the author spins an engrossing scientific detective yarn. What is most relevant to *Newsletter* readers, however, is that due to its strategic and political implications, Soviet authorities have long maintained a strict curtain of censorship around the incident. Even the many scientific studies of the disaster's effects on soil, vegetation, water bodies, and animal life—the only published materials available to Western or Soviet investigators of the event—have appeared with important data removed or even falsified to disguise their non-experimental source. Medvedev was thus forced to literally read between the lines of the scientific literature "to point out exactly what was not made public in the widely ramified radioecology studies on fish, mice, rabbits, reindeer, birds, mosquitoes, ants, frogs, plants, etc." (p. 89, emphasis in original). He succeeds brilliantly, and in doing so not only solves the mystery of this hitherto hazy "nuclear event," but also exposes the extent and nature of the censorship imposed—a censorship which he has, in effect, also rendered a pointless failure. The truth indeed *will* be known!

American readers would do well not to become too smug over this exposure and defeat of the Soviet censors. For it turns out the CIA and the British contributed to the coverup for reasons of their own. When Medvedev first spoke out publicly about the 1957 disaster in a 1976 article in the British *New Scientist*, Sir John Hill of the United Kingdom Atomic Energy Authority, who it is now clear already knew the basic outlines of the incident, called his report "rubbish"

(Continued on page 82)

correction

Due to an error by the printer a line of type was inadvertently dropped from the final paragraph of Henry Reichman's review of *Naming Names* on page 39 of the March 1981 edition of the *Newsletter*, rendering the conclusion meaningless. The next to last sentence of the review should read: "And, if so, will the lessons of the 'fifties be learned as well by those whose role is to defend their rights, if not their ideas?"

copyright dateline



libraries

Tampa, Florida

After an elementary school PTA president went before the Tampa City Council to complain about a sex education book available to children in the Tampa Public Library, County Commissioner Jerry Bowmer filed a formal request for reconsideration of the book and five additional sex education volumes. According to Bowmer, the works are "pornographic," and he asked the library to "remove the books entirely or at least from open access by children."

The controversy began when a seven year old checked out *Where Did I Come From?* by Peter Mayle, from a library branch and brought it to school where it was confiscated by a teacher and given to the PTA head, Martha Hargesheimer. She went to the City Council "to let the public know the book is out there," but stopped short of further action. The parents of the child said they did not object to the book and reported they had read it with their daughter in the past.

Commissioner Bowmer's complaint was filed a week later. The books he asked to be reviewed were, in addition to the Mayle book: *Where Do Babies Come From?* by Margaret Sheffield; *Love and Sex in Plain Language*, by Eric W. Johnson; *The Beauty of Birth*, by Colette Portal; *The Wonderful Story of How You Were Born*, by Sidonie Matsner Gruenberg; and *How Babies Are Made*, by Andrew C. Andry and Steven Schepp. Reported in: *Tampa Times*, February 4, 11, 12; *Tampa Tribune*, February 11.

Buhler, Kansas

The Kinsman, a science fiction novel by Ben Bova, has been removed from the library of the Prairie Hills Middle School in Buhler after the parents of a student filed a complaint about it because it contained what they described as sexual overtones. Superintendent Bob Burkholder said although only one formal com-

plaint was filed about the book, he had been contacted by other parents who also objected to it. Burkholder and a panel of teachers reviewed the novel and recommended its removal. Reported in: *Hutchinson News*, March 26.

Branson, Missouri

The February 9 issue of *Sports Illustrated*, which features a cover story on women's bikini swimsuit fashions, has been banned from the Branson High School library. The magazine was returned to the publisher in a brown paper bag with a 15-cent stamp and marked postage due.

Principal Lonnie Spurlock and librarian Fern Davis said the issue was removed because they thought the photos were in bad taste. Spurlock said he did not object to the pictures, except that they were in a sports magazine. If they appeared in *Playboy*, he said, "at least you'd know what you were buying." Reported in: *St. Louis Post-Dispatch*, February 19.

Onida and Blunt, South Dakota

The Sully Buttes School Board, which governs the consolidated school system in the central South Dakota towns of Onida and Blunt, voted 4-3 March 9 to remove Gertrude Samuels' *Run, Shelley, Run!* from the Sully Butte High School library. The book had been available to students in grades 7-12.

Run Shelley, Run is a documentary novel of the life of a teen-age girl who has an alcoholic mother and an abusive stepfather. She is made a ward of the state of New York after running away from foster homes and detention centers until, at the age of 16, she is put in prison. The novel won the ALA's Best Book for Young Adults award in 1974.

Several parents signed the original complaint written by Catherine Davis, whose 12-year old daughter read only as far as the third page of the book before calling it to her mother's attention. "Swear words aren't words children should be reading in the library," Mrs. Davis complained. "There must be better literature available than that."

When the complaint was first filed a review committee was appointed by district superintendent Donald Rykhus. Rykhus named himself and one of the co-signers of the complaint to the committee which solicited no opinions from parents or teachers and met behind closed doors. In a letter to Mrs. Davis, the committee concluded the book "was very poorly written and has little or no literary value for students." They felt the language used "was in very poor taste and isn't the kind of language we allow the students to use in school, therefore we should not provide it for their reading."

Several teachers at the school voiced considerable displeasure with the board's decision. High school counselor Diana Melvin has filed a formal complaint seeking reversal of the decision. "I feel the school board acted a little hastily," she said. "I'm against censorship of book materials just as a matter of fact, because I don't believe anyone should be able to decide what anyone else can read. This doesn't mean all books are good and should be read, but they're setting a dangerous example by banning a book for its dirty words." *Run, Shelley, Run!* was challenged in the district four years ago and found acceptable at that time. Reported in: *Sioux Falls Argus-Leader*, March 13.

Elizabethton, Tennessee

The Elizabethton Library Board voted March 17 to review four books which the Reverend Richard Adams of the East Side Freewill Baptist Church wants removed from the public library. The books which Adams seeks to ban are *Bloodline*, by Sidney Sheldon, *The Adventurers* and *The Inheritors*, both by Harold Robbins, and *Once Is Not Enough*, by Jacqueline Susann. Some of the books are the same ones which prompted a similar request at the Washington County Public Library in nearby Abingdon, Virginia (see *Newsletter*, January 1981, p. 5). In Abingdon, however, the Reverend Tom Williams never filed a formal request for reconsideration. "My complaint is the taxpayers are footing the bill for pornography," Adams said. "Our children can check out these books anytime they want to. There's other books we're objecting to," he added. "We've not even scratched the surface." Reported in: *Johnson City Press Chronicle*, March 18; *Elizabethton Star*, March 16.

Gretna, Virginia

"I'd hate to see it pulled off the shelf because it's just three pages that have vulgar words. The rest of it is some of the best poetry in America." Pittsylvania County school superintendent Earl Johnson was speaking in defense of a committee proposal to cut out pages or ink over offending words in *The Treasury of American Poetry*, rather than remove it from the Gretna High School library as the grandmother of a Gretna student and a county school board member requested. "We're talking about eight words," Johnson added.

The two poems that created the controversy are "Getting Down to Get Over," by June Jordan, which involves the trauma of a woman who was raped, and Allen Ginsberg's "Howl." The volume was removed from the library in February pending a final decision; the solution offered by Johnson in early March has been submitted to attorneys.

"The book contains poems by some of the best known authors in America," Johnson said. "But I don't care who wrote it, it's still dirty to me. It's vulgar and I wouldn't want my daughter to read it if she were in high school. We've got a responsibility to see to it that our schools contain proper literature." Reported in: *Roanoke Times & World-News*, March 13.

Montello, Wisconsin

On February 16, nine adults, members of a local "anti-pornography" group called "Concerned Citizens," entered the Montello high school and elementary school libraries and, after browsing for some time, signed out 33 books including *Anne Frank: The Diary of a Young Girl*, *The Great Gatsby*, *Catch 22* and *Catcher in the Rye*. "The objective was to find out what kind of books were there," explained Charles Solterman, president of the group. "And, more pointedly, to see if there were any particularly bad books there. If we find any books we consider bad, we'll certainly challenge them. If not, they'll be returned."

Thus began one of the most highly publicized—and one of the most extreme—incidents of attempted school library censorship in recent years. The group's action met with a swift response by school officials and intellectual freedom advocates in Wisconsin. Joyce Mann, librarian at Montello High School reported that the group left behind religious tracts "all over the shelves and in students' books." Responding to the implied threat not to return "objectionable" titles, Mann said the books were due on March 2 and "if they're not returned then, we'll take whatever action our district attorney advises."

The Wisconsin Intellectual Freedom Coalition immediately issued a statement condemning the censorship effort as "diminishing the opportunity of students at Montello to encounter the diversity of views in this state. The action violates the spirit of the Wisconsin statutes that require the schools to provide a curriculum and learning materials that reflect the ethnic diversity and multi-cultural nature of this society."

In response to this opposition, Solterman and his supporters appeared at a crowded school board meeting March 2 to announce that 28 of the books had been returned to the library. The remaining five, plus five others which were removed under similar circumstances nearly a year before, were returned directly to the board since, Solterman said, he could not "in good conscience" return them to the shelves himself. Speaking before an audience of more than two hundred Montello residents and camera crews from the major television networks, the group announced its plans to file formal challenges to the ten books. "We have challenged these books as unfit for student study or reading enjoyment," Solterman declared. "We are secure in the

knowledge that as soon as the parents of this school district become aware of the kinds of books available to their children in the Montello schools, they will instruct their elected representatives to prohibit the availability of such books immediately."

The ten challenged titles are: *Rape: The Bait and the Trap*, by Jean Scott MacKellar; *Adam's Daughter and Run, Shelley, Run!*, by Gertrude Samuels; *Deenie*; *Then Again, Maybe I Won't*; and *Are You There, God? It's Me, Margaret*, by Judy Blume; *The Teenage Body Book*, by Charles Wibbelsman; *Manchild in the Promised Land*, by Claude Brown; *Happy Endings Are All Alike*, by Sarah Scopettone; and *Hard Feelings*, by Don Bredes.

The Concerned Citizens demanded that textbook and library material review committees be selected by district residents and not school officials. The controversy was also described as a factor in the April 7 school board election in which three of seven seats were to be filled. Solterman, one of six candidates for the vacancies, was defeated.

The Concerned Citizens has not eliminated the possibility of filing additional complaints. The remaining titles checked out by the group were: *Ritchie, Growing Up Absurd*, *Nobody Knows My Name*, *Legislated Learning*, *The Baby Brokers*, *Shockwave Rider*, *Abortion Rap*, *The Outsiders*, *Jamie*, *To Hell With the Kids*, *No Bed of Roses*, *The Rights of Students*, *Runaway Teens*, and *When the Legends Die* from the high school library, and *Mother's Guide: Young Years Library*, *Who Wants To Be Alone*, *Dave's Song*, *My First Love and Other Disasters*, and *Diary of A Frantic Kid Sister* from the elementary school library. Reported in: *Milwaukee Sentinel*, February 18, March 3; *Wisconsin State Journal*, February 18; *Capital Times*, February 17, March 3; *Marquette Co. Tribune*, February 19.

Muskego, Wisconsin

The feminist health manual *Our Bodies, Ourselves* will be the only volume among thousands in the Muskego High School library to require written permission before students can check it out. The Muskego-Norway School Board voted 4-2 March 16 to establish the procedure. The book was temporarily removed from the library in February after a committee of school staff members appointed to review it split 3-3 on whether to keep it on the shelves. Parent Sandra Mageske appealed to the board. Controversy over the book deeply divided the community (see *Newsletter*, March 1981, p. 44). On February 2, more than a hundred people attended a board meeting to voice opinions for and against its removal. *Our Bodies, Ourselves* had been checked out only five times in four and a half years until Mageske requested its removal in January. The library originally had three copies, but two were checked out and never

returned. Mageske said the book was brought to her attention by the Moral Majority. Reported in: *Milwaukee Journal*, March 18; *Racine Journal-Times*, February 3.

West Allis, Wisconsin

Our Bodies, Ourselves, the controversial feminist health manual under fire in nearby Muskego and New Berlin, has been restricted to students 18 years old or older, or to those with written parental permission, at the library of Nathan Hale High School in West Allis, a Milwaukee suburb. School principal D. R. Page placed the book on the restricted list in response to the controversy in the other area schools. The same restriction is also in effect in the West Allis Public Library. Reported in: *The Patriot* (Nathan Hale High School), March 11.

schools

Montgomery, Alabama

The Alabama Board of Education voted February 10 to remove *Justice in America*, a social studies series, from the state-approved textbook list in response to complaints from parents who claimed it taught disrespect for the law and fostered dependence on welfare. The series of six books, published by Houghton-Mifflin for eighth-graders, was used in eleven school systems in the state.

The complaints came from a parent group led by Joe Yambrek of Lauderdale County and supported by the Speaker of the Alabama House, Joe McCorquodale, and several other legislators. Yambrek charged that the public schools are teaching "humanism, which has been cited as a religion by the U.S. Supreme Court" and which "denies the deity of God." He urged the board to teach "Judeo-Christian beliefs" along with humanism, and a biblical concept of creation along with evolution. Yambrek also requested that four laymen be added to the sixteen-member State Textbook Committee, which recommends books for approval by the Board. That action, however, can only be taken by the legislature.

The following day, Yambrek and three other parents testified before the textbook committee in a seven-hour session, outlining their objections to eleven texts the committee had recommended in January for use in schools. Yambrek said the book, *Modern American History*, contains passages which present religion, "usually in a negative manner," or which imply a lack of respect for the country's founding fathers. Mrs. Allen James of Montgomery objected to the *Living Law* series because the two volumes on *Civil Justice* and *Criminal Justice* "undermine" the values parents

teach at home. According to Mrs. James, "Children's rights are stressed and parents' rights are put down" in the books. Mrs. Betty Yambrek joined her husband and Mrs. James in objecting to the books, as did Brian Tabor of Crossville, who has been campaigning for creationism to be taught in the Alabama schools (see *Newsletter*, March 1981, p. 41).

Other titles questioned by the group are: *The American Experience, Exploring Our World* series, *Civics, We the People—History of the United States, The American Pageant: A History of the Republic, Unfinished Journey, The Human Expression, and American Citizenship Program*. Reported in: *Birmingham News*, February 11; *Montgomery Advertiser*, February 12.

Collinsville, Illinois

For ten years, the textbook *Married Life* was used to teach Collinsville high school students without complaint. But on February 16, Collinsville School Board treasurer William G. Jokerst reported that he had received two or three parental complaints about the book during the past year. In response to this, Jokerst said he plans to have a minister, a doctor, a psychiatrist, and "someone who I feel has good, common sense" review the work.

Married Life includes chapters on sex, dating, love, and marriage, as well as marriage customs and laws, managing a home and money. Jokerst cited two subjects discussed in the book which he said were causing concern. One was the book's description of masturbation as an activity which "is no longer generally considered abnormal or perverse behavior," a contention contrary to the beliefs of many parents. The other problem was the book's contention that teen-age pregnancy is more likely to occur among unmarried than married teens, the accuracy of which was questioned by Jokerst. Reported in: *Belleville, Illinois News-Democrat*, February 19.

Du Page County, Illinois

On February 16, several hundred parents, led by ministers, convinced the Naperville Unit School District 203 school board to postpone adoption of two health and civics textbooks, *Modern Sex and Governing Your Life: Citizenship and Civics*. On the same night, parents in West Aurora Unit School District 129 pressured superintendent Gary Jewel into removing *Finding My Way*, a sex education book, from a list of supplementary texts for a home economics class. In addition, several other school districts in Du Page county have been besieged with inquiries about textbook and school library materials. Many of those inquiring have identified themselves as members of Phyllis Schlafly's Eagle Forum or the Illinois Moral Majority.

"In my six years in office, I can't remember a major incident," puzzled county schools superintendent

Harold Wright. "Now all of a sudden it's escalating." In Naperville, the protest was resolved successfully when the Naperville School Board voted unanimously March 16 to continue use of the two textbooks. Elsewhere in the county, however, the response of some officials was different. "I didn't want to see the district involved in a dispute," West Aurora superintendent Jewel said in dropping the sex education book without formal review. "There are some things worth taking a stand about," commented superintendent Charles Edwards of Villa Park Elementary School District 45. "But not textbooks."

Such remarks were disturbing to the editors of the *Daily Suburban Trib*, which responded: "It isn't by choice that our local school leaders have been drawn into this battle. But they are in it, and as educators they must know the implications and that they are the ones who must find the backbone—now—to draw the line." Reported in: *Daily Suburban Trib*, March 5, 10; *Chicago Sun-Times*, March 17.

French Lick, Indiana

Arthur Miller's *Death of a Salesman* has been banned from an English class at Springs Valley Community High School in French Lick. Frank Stemle, high school principal, ordered the work out of the class March 4, after a group of local ministers complained that the prize-winning drama contains the words "goddamn," "son of a bitch," and "bastard." After copies of the play were removed from the class, it was reported that all the local library copies were quickly checked out by students apparently still curious about the contents.

"We try to keep books out of our school that have vulgar language in them," Stemle said. "We're not going to allow kids to bring *Hustler* magazine into the schools. We're not going to make these things mandatory." Both Stemle and Dennis Weikert, superintendent of the Springs Valley Community School Corporation, who said he supports the removal, admitted they had not read the play before the Springs Valley Ministerial Association, led by the Reverend Lester Ellis, complained about the profanities. At one point during a discussion of the issue, Stemle referred to the work as a novel. Weikert said he "read the pages in question, not the entire book" before making his decision.

Some teachers and students have expressed concern about the ban, but the teachers have been reluctant to protest in light of a continuing collective bargaining stalemate. The school system does not have a review policy for handling complaints. "If we don't get a lot of publicity, the issue will be settled for the best for the kids. If we get a lot of publicity, and there are committees, and things are stirred up, I feel the kids will lose," Weikert explained. Reported in: *Indiana Courier Journal*, March 8.

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—from the bench—



U.S. Supreme Court

On March 2, the Supreme Court refused to review a lower court decision barring North Carolina from publishing a "motorist's prayer" on its official state highway map. The justices turned down, without comment, the state's petition for review of the ruling that printing the prayer violated the First Amendment's provision against state establishment of religion.

Each year, the North Carolina Department of Transportation publishes and distributes free copies of the map which shows the state's road system on one side, and on the other, scenic photographs, a message from the governor and the prayer. The prayer asks for "safe passage through all the perils of travel" and implores "God" to "steady our hand and quicken our eye that we may never take another's life; guide us to our destination safely, confident in the knowledge that thy blessings go with us through darkness and light . . . sunshine and shower . . . forever and ever. Amen." Reported in: *Washington Post*, March 3.

In a 7-2 decision, the court ruled March 24 that the Federal Communications Commission has no legal responsibility to make a radio station keep a popular programming format on the air to satisfy its fans. The decision resolved a six-year-old struggle between the FCC, which did not want to regulate program format, and the U.S. Court of Appeals for the District of Columbia, which had ordered the agency to do so.

The fight began in 1969 after an Atlanta station changed its format from classical music to lighter material. When the station's license came up for renewal, classical music aficionados urged the FCC to oppose the renewal on the grounds that the new programming duplicated what other stations were playing and removed the only classical station from the area. In 1973, classical groups urged the FCC to oppose similar changes by Chicago and New York stations.

In all instances, the FCC argued that First Amendment guarantees precluded interference with such changes. The protesting groups, however, headed by the WNCN Listeners Guild in New York, won a ruling from the appeals court in Washington requiring the FCC to conduct hearings on format changes when there was "significant public grumbling" about the elimination of "unique" formats. With Justices Marshall and Brennan in dissent, the Supreme Court disagreed.

The regulatory dispute involved dozens of parties on both sides. The FCC was supported by virtually every major radio broadcast corporation in the country. On the other side, stood classical music clubs, ethnic organizations, which argued that foreign language broadcasts were in jeopardy, eight or nine states, and the United Church of Christ. Reported in: *Chicago Sun-Times*, March 25.

evolution and creation

Sacramento, California

It was widely billed as "Scopes II"—a head-to-head legal showdown between unbending advocates of the biblical theory of creation and hard-nosed scientific proponents of evolution, a display of legal fireworks to rival the famed William Jennings Bryan-Clarence Darrow contest of a half century earlier. But the landmark trial which arose from a suit filed by Kelly Segraves, director of the Creation Science Research Center in San Diego, two years ago on behalf of his children was much less spectacular. Segraves' attorneys did not seek to defend the creation theory, nor to establish its teaching on an equal footing with evolution, but instead focused more narrowly on the denial of their client's religious liberties by the "dogmatic" propagation of evolutionary theory in the schools. As a result, the outcome was ambiguous and both sides claimed victory.

The apparent ambiguity stemmed from Superior Court Judge Irving Perluss' March 6 ruling that "present board of education policy is sufficient to protect" the liberties of those who believe in the Biblical story of creation. Perluss said that had the plaintiffs sought to introduce creationism into the curriculum he would have denied it. But the judge also complained about a failure of communication between the state board and those who teach evolution. He ordered that a short cautionary statement be distributed to all who receive state guidelines on teaching science and that future guidelines contain the same cautions. The statement says that "dogmatism [must] be changed to a conditional statement where speculation is offered as an explanation for the origins of man . . . that science [must] emphasize the 'how' and not the 'ultimate cause' for the origins of man."

Segraves said he felt vindicated, even though the ruling went against him, because, in ordering the statement, Perluss "apparently recognized there was a problem with the violation of our rights." Dr. Robert Kofahl, science advisor for the Creation Science Research Center, said: "This is the opening wedge. Now Christians will have to pick up the ball and run with it. Christians will be alerted to watch out for dogmatism in the teaching of evolution in textbooks, in the curriculum, in the classroom, because now we have something we can hit them with."

Segraves said he and his attorney chose to take on the narrower issue in the case because they thought they had a better chance to "win this one first. You have to go step by step." He said he will continue his efforts to bring creationism to the schools and did not rule out an appeal. Reported in: *Washington Post*, March 7.

press rights

Baltimore, Maryland

U.S. District Court Judge Shirley Jones ruled March 17 that a reporter for the *Baltimore News-American* could not be compelled to testify in a civil suit in which neither the reporter nor the newspaper were a party. The judge ruled that reporters have a "qualified" privilege against being forced to testify under the First Amendment, which protects sources of information.

Reporter Joe Calderone had been subpoenaed to testify in a suit by a West Baltimore health plan against the U.S. Office of Health Maintenance Organizations which earlier this year cut off the plan's federal aid. Calderone had written a series of articles about the plan's administrative and financial problems. Attorneys for the plaintiffs contended Calderone's testimony would show that the government "apparently leaked confidential information" about the plan as part of an effort to cut off funding without giving the health organization a chance to correct its problems.

Judge Jones ruled that any attempt to reveal Calderone's sources would be unconstitutional. "There's no question that there are privileges on the part of the reporter with regard to the sources of his information," she declared. "My ruling is that any question pertaining to the reporter's source is privileged." Reported in: *Baltimore News-American*, March 18.

Washington, D. C.

"The publisher of a newspaper or magazine is not required by law to accept and publish an advertisement,

even where the advertisement is a proper one and the regular fee for publication has been tendered." With these words, the District of Columbia Court of Appeals blocked an attempt by Frank DeHart of Alexandria, Virginia, to force the *Washington Post* to carry an ad for his two books, *American Jimmy Carter* and *Traumatic Nixon*, which purport to psychoanalyze the two ex-presidents. DeHart conceded that "the books were offensive" to many and that was apparently what led the *Post* to reject his ad. He had urged the court to rule that denial of ad space violated his right to free expression. Reported in: *Washington Star*, March 7.

film

Philadelphia, Pennsylvania

On March 3, Philadelphia Common Pleas Judge Thomas A. White rejected a request from members of the Puerto Rican Alliance for an injunction banning the showing of the film *Fort Apache, The Bronx* at Eric's Mark I theatre in downtown Philadelphia. Members of the Alliance contended the film presents a distorted view of Puerto Ricans as "drug addicts, prostitutes and cop killers" and that its showing could cause irreparable harm to the Puerto Rican community. The film's Philadelphia debut was delayed by protests (see *Newsletter*, March 1981, p. 45).

While ruling that the film is protected by the First and Fourteenth Amendments to the U.S. Constitution, Judge White agreed to increase the number of pickets permitted within ten feet of the theatre's entrance from six to ten. An unlimited number of protesters are permitted further than fifty feet from the theatre. White said the film shows conditions that need to be changed, but also commented that had there not been protests, he perhaps would not have noticed the stereotyping in the film. He said he hoped some good might come from both the film and the protests against it. Reported in: *Philadelphia Bulletin*, March 4.

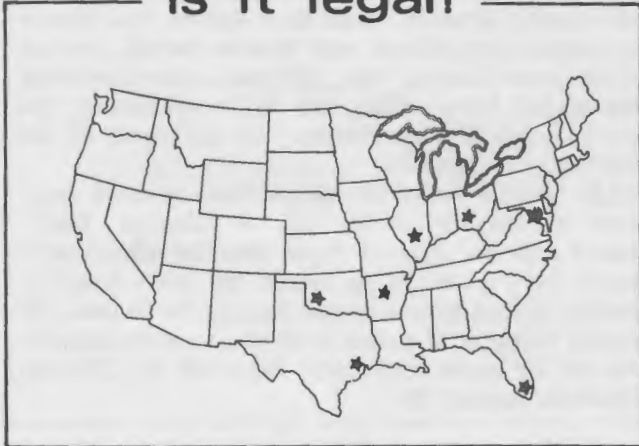
ethnic slurs

Albany, New York

New York State's Division of Human Rights cannot order a store to stop selling ethnically offensive joke items, the state's highest court ruled December 22. However, the division can fine an employer for an ethnically offensive remark, and can even order him to apologize for it.

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is it legal?



communism

Washington, D.C.

On March 10, a petition calling on the U.S. Supreme Court to hear the appeal of Bob Avakian, Chairman of the Central Committee of the Revolutionary Communist Party, and sixteen other "Mao Tsetung Defendants" and to dismiss the charges in "this blatant political prosecution" appeared as a half-page ad in the *Washington Post*. The petition was signed by several thousand individuals and organizations, including Daniel and Philip Berrigan, Julian Bond, Rep. Ron Dellums (D-Calif.), Dick Gregory, William Kunstler, Sidney Lens, Studs Terkel, Kwame Toure (Stokely Carmichael) and George Wald.

The Avakian case arose out of a demonstration organized by the RCP on January 29, 1979, against the visit of Chinese Vice-Premier Deng Xiaoping which resulted in the arrest of 78 demonstrators. Arrested on misdemeanor charges, the defendants were then recharged with felonies. Eventually seventeen, including Avakian, were indicted on 25 felony counts and each faces a possible 241 years in prison. The great majority of the charges are described in the indictments as committed by "unidentified attackers" against "unidentified officers." Almost half those indicted, including Avakian, are charged with no specifically identifiable criminal act.

The petition noted there is strong evidence to believe that the real offense the government is prosecuting is a speech made by Avakian at a church rally before the demonstration. "The government's theory is that Avakian's speech and the activity and statement at the church are admissible against all of the defendants because they were in furtherance of a joint enterprise in which all defendants were involved," said a pretrial motion filed by the prosecution. "In

other words, the charge is essentially one of conspiracy, and the offense is Bob Avakian presenting his views and critique of the new government of China and of its alliance with the U.S. following the death of Mao Tsetung," the petition commented.

The indictments were originally dismissed by the judge at the trial court level on grounds of "prosecutorial vindictiveness." The government appealed to the U.S. Court of Appeals for the District of Columbia which reinstated the charges by a 2-1 decision, in which, the dissenting justice argued, the court disregarded all established legal precedents to redefine "prosecutorial vindictiveness." After the full Court of Appeals refused to review the case *en banc*, Avakian's lawyers appealed to the Supreme Court. They are supported by *amicus* briefs filed by the Emergency Civil Liberties Committee and the National Lawyers Guild.

The advertisement which appeared in the *Post* was itself a subject of some censorship by the newspaper. The *Post's* Advertisement Acceptance Board refused to run the petition until its sponsors agreed to several changes. Reported in: *Washington Post*, March 10; *Revolutionary Worker*, March 13.

Washington, D.C.

As the lame duck 96th Congress was winding up its business last December, a joint resolution (H. J. Res. 637), making further continuing appropriations for fiscal year 1981, began to resemble a veritable "Christmas tree," due to extraneous and last-minute political favors in the form of amendments. One such "ornament" added by the Senate was an amendment to prohibit the use of appropriated funds "to provide employment or training to any person who publicly advocates the violent overthrow of the U.S. Government."

The amendment, offered by Sen. Ernest Hollings, (D-N. Carolina) for himself and Sen. Harry F. Byrd Jr. (Ind.-Virginia), was similar to a bill introduced in the House in November by Rep. W. C. Daniel (R-Virginia), who was incensed to learn that two alleged members of the Communist Workers Party, Dorothy and Allen Blitz, were enrolled in a CETA training program in Daniel's district. "I do not believe," he said, "it was the intention of Congress that individuals whose stated policy is the overthrow of our system be the beneficiary of that system." The Blitzes had been among those indicted for inciting a riot after members of the Ku Klux Klan fired upon a CWP-led demonstration, killing five. The charges were later dropped.

The amendment passed the Senate without dissent. "I do not know," said Sen. William Proxmire (D-Wisconsin), "how anybody could possibly object to this amendment." The Supreme Court's 1957 *Yates* ruling, however, which effectively limits application of the Smith Act to cases where immediate violent action is

called for rather than where forcible overthrow is advocated as general doctrine, casts doubt on the constitutionality of the amendment. The matter is now moot, since House and Senate conferees, bitterly disputing the many "pork barrel" provisions, finally agreed to strip down the measure to its essentials, eliminating the so-called "Blitz Amendment" in the process. The CWP, however, has warned that the amendment will be reintroduced in the 97th Congress. Reported in: *First Principles*, January 1981.

Miami, Florida

On March 18, Officer George Travis of the Dade County Police was working as a security guard at Miami-Dade Community College when he encountered Robert Hill selling copies of the *Revolutionary Worker*, the newspaper of the Revolutionary Communist Party. Travis examined a copy to see if it advocated the overthrow of the U.S. government and "if there was violence in it." He decided there was, and at least one judge agreed. Robert Hill was jailed, charged with "criminal anarchy." Bail was set at \$5,000. Two days later, after protests by his attorney, he was released on his own recognizance. Florida law defines criminal anarchy as a second-degree felony, punishable by up to fifteen years in prison, for distribution of printed material advocating the overthrow of the government.

Louis Jepeway, Jr., of the Miami ACLU, said it appeared Hill had been arrested "for the outrageous crime of distributing a newspaper. It looks unconstitutional as hell." Hill's attorney, Louis Beller, added, "The basic question is freedom of speech. I may not agree with everything said in that paper but it should not be banned. Nowhere does it advocate the immediate overthrow of the government."

It was unclear if Hill was a member of the party, but Mark Jablons, an RCP spokesperson, said he was outraged by the arrest and that it showed the authorities "are afraid of us. We are going to fight this," he promised. Similar charges filed last spring against two vendors of the *Revolutionary Worker* are still pending in Atlanta. Reported in: *Baltimore Sun*, March 20.

Houston, Texas

Houston police officers have arrested members or supporters of the Revolutionary Communist Party more than 100 times in the past year, but most of the cases were dismissed in municipal court. Seven arrests of five RCP members, however, all based on a little-used state statute against obstructing a passageway, have resulted in convictions.

On January 28, an attorney for two RCP supporters appeared in federal court to argue that such laws are "forgotten statutes used in the suppression of unpopular speech." The statutes are too vague and too

broad, and give police officers too much latitude in enforcement, attorney Sarah Scott argued. Ms. Scott's two clients, Joe Sullivan and Wilson Pietzch, are not among those charged. But, she said, they have been discouraged from selling the RCP newspaper, the *Revolutionary Worker*, because of the threat of jail terms under the statute.

U.S. District Judge Woodrow Seals rejected arguments by lawyers for the city of Houston, Harris County and the state of Texas that the state courts should have a chance to decide the law's constitutionality before federal courts rule on the matter. He delayed ruling on the case, however, to give attorneys time to file more arguments. Reported in: *Houston Chronicle*, January 29.

evolution and creation

Little Rock, Arkansas

On March 17, Arkansas became the first state to pass a law requiring public schools to teach two theories of man's beginning: evolution and creation by a supreme being. Members of the state House of Representatives shouted down attempts to dilute the measure and passed it by a 69-18 vote. The bill, which applies to all public elementary and secondary schools, had already passed the Arkansas Senate. Governor Frank D. White, a Republican, has stated that he will sign it into law. The new law does not require a given textbook or lecture to present a balanced view. But an entire course would have to offer "balanced treatment to creation science and evolution science."

"Public schools generally censor creation science and evidence contrary to evolution," the measure reads. Instruction in evolution alone "denies students a choice between scientific models." The act limits instruction in both theories to "scientific evidence" and says classes or books "must not include any religious instruction or references to religious writings." Teachers are also prohibited from singling out or criticizing a student who expresses a preference for either theory.

As the House debated the bill, pickets paraded outside in support of its passage. One of their signs read, "Creation science will promote better scientific research, national productivity, and lower inflation." Reported in: *Chicago Sun-Times*, March 18.

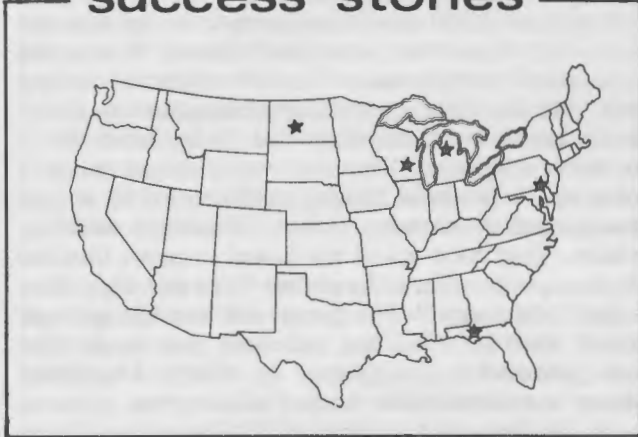
freedom of information

Washington, D.C.

The Energy Action Educational Foundation filed suit in U.S. District Court March 4 to obtain

(Continued on page 80)

success stories



schools

Sneads, Florida

Attempts by a Sneads minister to ban George Orwell's *1984* from use in a high school class were thwarted when the Jackson County School Board voted unanimously January 13 to follow established media guidelines and allow continued use of the novel. The Reverend Len Coley, pastor of the First Baptist Church of Sneads, had engaged in a lengthy and often disruptive battle with school officials over use of the book, claiming it was pro-communist and contained explicit sexual material. On various occasions, Coley had claimed the support of his congregation, the church deacons, and the Sneads Ministerial Association, but each group formally disavowed his statements. After learning of Coley's activities and hearing a letter critical of the book, the school board agreed with Superintendent of Education Robert Childs that *1984* should continue as a parallel reading text in a course on "anti-communism" offered at Sneads High School. Reported in: *Jackson County Floridian*, January 14.

Montello, Wisconsin

After a lengthy debate marked by shouting, catcalls and Bible-reading from members of the audience, the Montello School Board voted 6-1 February 9 not to remove *The Magician*, a novel by Sol Stein, from the high school curriculum. Several parents had objected to the book on the grounds that it contains explicit sexual scenes and profanity, and that it allegedly presents a pessimistic view of the U.S. judicial system.

Following the decision, Montello School District Administrator Ronald Ertner explained the high school's policy: "The book has been used in the English novels class for juniors and seniors. It is an elective class. The students sign up to take the class and before any student could read the book they had

to have their parents sign a permission slip which was sent home with the students in a letter from the teacher."

The decision to continue use of *The Magician* came exactly one week before a group of "Concerned Citizens" removed thirty-three "objectionable" books from Montello school libraries and declared their intention not to return them (see p. 66). Reported in: *Wisconsin State Journal*, February 10; *Oshkosh Northwestern*, February 10.

film

Wilmington, Delaware

In two resolutions passed in late January, the University of Delaware Faculty Senate asked a student film committee to "be mindful of the sensitivities of others" when selecting films, but refused to ban X-rated films from campus, as requested by many. The faculty body also went on record in opposition to official censorship. The resolutions came in response to a continuing controversy which began last May when the Films Committee of the Student Program Association showed the X-rated film *The Opening of Misty Beethoven* on campus. Reported in: *Wilmington Journal*, January 30.

Cadillac, Michigan

The Tin Drum, an Academy Award-winning film based on the widely acclaimed Gunter Grass novel, was shown as scheduled in Cadillac February 21 after Circuit Court Judge William Peterson told the Cadillac Board of Education it should be "ashamed" of itself for attempting to ban the film from the high school auditorium. The board had voted to halt showing of the movie after a citizens group claimed it would arouse prurient interests and "did not meet educational and moral levels of the community."

The citizens group first sought Cadillac City Council action to ban the film. When the council refused, the group appeared before the school board. The Cadillac Film Guild, which sponsored the showing, immediately filed suit and Judge Peterson issued a permanent injunction against the ban. *The Tin Drum* is about censorship in Germany during the rise of the Nazis. Reported in: *Kalamazoo Gazette*, February 21.

Bismarck, North Dakota

By a vote of 37-10, the North Dakota Senate on January 29 defeated a bill which would have made it illegal to show any movie rated X by the Motion Picture Association of America or by any movie-rating group recognized by the secretary of state's office. The measure also would have removed the civil proceeding required before criminal charges could be brought against someone who exhibits an X-rated movie. Reported in: *Bismarck Tribune*, January 31.

Des Moines, Iowa

"The whole thing is about smoking, fighting, drinking, and sex in the teen-age concept and I think it would be embarrassing to the families of our students," said Rolland Brownell, principal of North High School in Des Moines, as he explained why he had banned a student production of the hit Broadway musical *Grease*, scheduled to have played North High in February. "There are certain things you just don't do on high school stages," Brownell argued. "We thought about cutting out offensive portions, but for heaven's sake if we did, there wouldn't be anything left." Ambrose Moses, assistant director of secondary education, joined Brownell in denying that censorship was involved in the cancellation. "Why they chose something abhorred by the community, I don't understand," Moses said. Reported in: *Washington Star*, March 12.

Detroit, Michigan

The Arabs, an ethnic guide written by an Arabic-speaking graduate student at Wayne State University and published by the Detroit public schools as part of the Objective Reading Program series dealing with ethnic groups in the city, has been removed from some city schools because of what one school official called "factual errors" about Israel. Seymour Gretchko, superintendent of Region 6, which has the largest number of Arab-American students in Detroit, which in turn has the largest Arab-American community in the United States, said he ordered the book withdrawn from schools under his jurisdiction several months ago. In addition, Marvin Greene, assistant superintendent for curriculum, recommended the book be withdrawn from all schools and replaced by a general guide to the Middle East.

The removal brought protests from leaders of the Arab community. "There are ethnic literacy guides for other groups—the Mexicans, Poles, Chaldeans, and Armenians. Therefore, why shouldn't there be one for the Arabic-speaking community, which is metropolitan Detroit's second-largest minority?" declared Father John Badeen, pastor of St. George Orthodox Church of Detroit and chairperson of the Arab-Chaldean Social Services Council. "We have no objection to a Jewish guide," he said. "But this one deals with the Arabs, their culture, history, and contributions." Haifa Fakhouri, who wrote the book as a consultant to the school system, complained that "We have not been notified or given the courtesy to discuss objectively any possible corrections." Reported in: *Detroit News*, February 2.

Buncombe County, North Carolina

More than 1,000 county residents crowded into the auditorium of an Asheville school February 19 when the Buncombe County Board of Education heard testimony from both sides in a stormy dispute surrounding policy for the selection of classroom and library materials in the county schools. The controversy began when a group of Owen school district residents, led by several fundamentalist ministers, protested current selection policies. They have asked the board to insert into the selection policy criteria the phrase "and morally decent to the community." The group did not file protests against specific titles, but indicated that works like John Steinbeck's *The Grapes of Wrath*, MacKinlay Kantor's *Andersonville*, both Pulitzer-prize winners, and J. D. Salinger's *Catcher in the Rye* exemplify the kind of books which should not be selected because they are "indecent."

Speaking for the Owen group, Randy Stone, pastor of Calvary Free Will Baptist Church, said, "The use of God's name in vain, whether it be in a Pulitzer-prize winner or a book from an adult bookstore, is offensive to us and demands some sort of attention." In response, Fred Ohler, pastor of Warren Wilson United Presbyterian Church asked, "Why is immorality seen only as profanity and sexuality in Steinbeck, Salinger or Kantor and the larger issues of grinding poverty and social misjustice, of adult hypocrisy, of war camp atrocities never faced? To read the Bible as some folks read *The Grapes of Wrath* would be like going through the Gospels and only seeing tax collectors, winebibbers and Mary Magdalene," he added. Reported in: *Asheville Citizen*, February 14, 18, 20.

magazines and newspapers

Vacaville, California

When new warden Hal Watts read the proposed contents of the Christmas issue of the *Vacavalley Star*, the inmate-written newspaper at the medium-security California Medical Facility prison at Vacaville, forty miles southwest of Sacramento, he decided that four articles would be deleted. One was a letter to the editor, asking inmates to join the Prisoners' Union. It was removed allegedly because it was considered an advertisement. "In a house organ," Watts' memo read, "we do not provide space for such pleadings." Another was an editorial about the role of correctional officers' employee groups. The superintendent "does not need you to tell him what his relationship with employee groups should be," Watts declared.

The third article removed was entitled "The Pavlov Connection." It was critical of a behavior modification program at the prison. The program has been the subject of blistering controversy on the outside, and has faced inmate opposition since its inception. The final article described an incident in which two named guards allegedly harassed inmates on their way to work assignments. The article was deemed libelous—"a personal attack on two employees doing what they were supposed to do."

Reluctantly, *Star* editor Vic Diaz removed the material. But Diaz, a thirty-two-year-old Vietnam veteran serving time for murder, also went a step further. He inserted a single word in big type covering each of the pages where the deleted articles would have run—"CENSORED." In response, Watts had every copy of the paper confiscated and burned. The paper was closed down, the lock to its office changed.

Last year, the *Star* was judged the third best prison newspaper in the country by the School of Journalism at Southern Illinois University which issues national penal press awards each year.

On March 10, the American Civil Liberties Union filed suit to force prison officials to renew publication of the *Star*. The content of a prison newspaper, ACLU attorney Alan Schlosser argued, can be limited only if it seriously threatens "prison security and prison order." Reported in: *Los Angeles Times*, January 25; *Washington Post*, March 11.

Concord, New Hampshire

At a recent meeting, students at Franklin Pierce Law Center voted, 55 to 47, to ban *Playboy*, *Penthouse*, and *Hustler* magazines from the campus bookstore. The store is run by a cooperative to which almost every student pays a \$10 membership fee, giving them a voice in management. Reported in: *New York Times*, March 15.

student press

Pensacola, Florida

A grand jury reprimand was issued February 3 against the Escambia County School System's handling of an editorial in the Pensacola High School student newspaper, *Tiger's Tale*, which criticized the changing of the school stadium's name. Students at the school had felt slighted by a sudden administrative decision to rename the stadium for a former high school coach. Petitions demanding that the name be changed back to

Tiger Stadium were circulated and the newspaper joined in the campaign.

According to the grand jury presentment: "There is disagreement as to whether the school administrators actually censored the newspaper. But it is clear that several articles were deleted. We reviewed the deleted articles and did not find them offensive . . . The administrators involved evidently did not like the idea of being criticized by the students. We can understand their discomfort, but we must hasten to point out that this does not give a school administrator the right to censor newspaper articles." Reported in: *Pensacola Journal*, February 4.

Virginia Beach, Virginia

With the assistance of the ACLU, Joanne Wittemann, a seventeen-year-old senior at Green Run High School and editor of the school newspaper, *The Hoofprint*, filed suit March 6 in U.S. District Court asking that school officials be enjoined from censoring the newspaper. According to Wittemann's complaint, Green Run principal J. Wylie French confiscated the entire press run of *The Hoofprint* November 24, and ordered the papers sent back to the printer where the two centerfold pages were glued together. Those pages contained an article on premarital sex and an article on abortion to which French objected, as well as an article and two advertisements to which the principal voiced no opposition.

"They have been teaching me in government that we have freedom of the press," Wittemann said. "I think this is censorship." ACLU attorney Alan Rosenblatt said he is confident of winning the case. "Student rights can be limited only if previous standards are set," he said. "In this case there were no standards whatsoever." Reported in: *Baltimore News-American*, March 9; *Virginia Beach Beacon*, March 12.

film

San Francisco, California

Two of the three theatres which exhibited *Charlie Chan and the Curse of the Dragon Queen* in San Francisco dropped the film after the first week in the wake of picketing and protests by members of the Chinese community, as well as in response to a sluggish box office. Opening night at the Alhambra theatre was picketed by some 125 people—perhaps three times the number of customers—organized by the Coalition of Asians to Nix Charlie Chan, or CAN Chan. CAN Chan spokesperson Forest Gok said the film's portrayal of Asians "keeps alive racial stereotypes. We feel we have to send a message to Hollywood." Reported in: *Variety*, February 25.

Montreal, Canada

Penthouse International's controversial film *Caligula* opened in Montreal February 20, but only after three minutes of the sex and violence filled saga of ancient Rome had been removed on the order of the Quebec provincial censor. Reported in: *Variety*, February 11.

Leavenworth, Kansas

The Intelligence Network, a 35-minute color documentary film which explores intelligence agency abuse, has been banned from showing in Leavenworth Federal Penitentiary. According to the Campaign for Political Rights, which produced the film, a prisoner has attempted in vain since last April to have the movie screened for the prison population. Prison authorities have responded to the request by labeling the documentary "a threat to the security and orderly running of an institution" and "of a subversive nature." "A review of the current list of movies reveals a wide spectrum of entertainment interests are being served," they explained. "It is not felt that the film you request would fit this criteria." Reported in: *Organizing Notes*, January/February 1981.

New York, New York

By a 5-2 vote, the Committee on General Welfare of the New York City Council passed a resolution condemning the movie *Fort Apache, the Bronx* and urging the citizens of New York to boycott the film. Speaking for the resolution, Councilwoman Miriam Friedlander said, "First Amendment rights have to be tempered with certain social rights." Perhaps amplifying on this sentiment, Conservative-Republican Councilman Vincent Riccio, who voted with the majority, noted that he is also disturbed about nudity on television and is offended at the way Italians are characterized in certain movies. "There's no control over any of this," he said, "and that's not the way it should be."

In dissent, Councilwoman Ruth Messenger stressed "that erosion of the First Amendment will always work more devastatingly against the ideas I care about and wish to have articulated than against ideas such as those in this film that are already too much a part of our 'popular' culture. I am worried that if Government gets involved in such erosions, it will too quickly come to hurt our already poorly defended minority communities—and unpopular ideas. It will come to limit the rights of all of us to speak, write, and demonstrate as we wish. I believe it is right for us as individuals but wrong for us as a Council to take the positions called for in this resolution." Reported in: *Village Voice*, February 25-March 3.

Milwaukee, Wisconsin

Under pressure from the campus Women's Coalition, the Union Cinema on the University of Wisconsin, Milwaukee campus cancelled a scheduled March showing of the Brian DePalma thriller *Dressed to Kill*. Linda Hoelzer, spokeswoman for the coalition, said that she had not seen the film, but had read reviews of it in feminist publications which convinced her it would encourage violence against women. Reported in: *University of Wisconsin, Milwaukee Post*, March 3, 5.

broadcasting

San Francisco, California

KPIX-TV, the CBS affiliate in the Bay Area, refused to air the CBS movie *A Gun in the House* February 9. The movie aired instead on independent station KTZO, which serves as a CBS backup. A spokeswoman for KPIX said the station declined to show the film because it contained "two overly long, brutal, and sadistic rape scenes." The movie, starring Sally Struthers, is about a woman who is attacked by two men who invade her home. She has a gun, and uses it, with unexpected consequences. KPIX has declined to broadcast CBS material before, most notably *Helter Skelter*, the Charles Manson miniseries. Reported in: *San Francisco Examiner*, February 10.

New York, New York

Larry Arnstein, one of four writers dismissed in NBC's recent shake-up of the beleaguered *Saturday Night Live* show, has charged new producer Dick Ebersol and other NBC executives with censoring the show's political satire. Arnstein said the staff was told by Ebersol that the average age of the *Saturday Night Live* audience had dropped to fifteen. "Ebersol said fifteen-year-olds are not interested in politics, so political satire would be de-emphasized."

According to Arnstein, much of the political material submitted by the writers during the last weeks before Ebersol took over was censored by the network. "On the so-called borderline material, censorship was very severe," he charged. "The NBC lawyers were constantly calling us in on libel and slander. For example, we were told to lay off Jerry Falwell. And when I wrote a bit on the Listerine commercial, it was killed because it might offend a major sponsor, Warner-Lambert." Reported in: *Variety*, March 25.

Portland, Oregon

When on February 22 NBC broadcast the 1980 thriller *Prom Night*, in which an axe murderer runs amuck at a high school prom, KGW-TV refused to air it. Station program director Craig Smith explained:

"When the movie was released theatrically last summer we had a problem with the commercials for the movie . . . We go through all the movie trailers and decide what time period we can air them. But we didn't accept these ads at all. The shock value was too much. So what happens? NBC turns around and buys the movie . . . I'm not that comfortable airing that violence and the content of the movie, especially on a Sunday night. For 9 o'clock in prime time, it's not the kind of movie we want to run." KGW replaced *Prom Night* with a rebroadcast of the 1970 film *M*A*S*H*. Reported in: *Oregon Journal*, February 14.

Waco, Texas

KWBU, the student-run radio station at Baylor University, has been ordered to cease playing hard rock and "heavy metal" records and switch over to softer rock material—what one Baylor disc jockey called "that sloppy Top 40 junk." The station was warned last year about alleged profanity over the air after a Waco resident wrote the university administration a letter which included a page of "obscene" lyrics he had heard. The station made an effort to monitor song lyrics, but when another irate listener, the parent of a Baylor student, heard one song with the words "damn" and "hell" in it, the administration decided to take action.

"We can play softer music," Barry Rae, a station director, said, "but what good is that going to do? There's no difference in Top 40 sexual innuendo and the hard rock innuendo. But the administration thought the hard rock music was more forceful in the way it makes its message."

Baylor was the scene of a censorship controversy last year when the student newspaper attempted to editorially challenge university president Abner McCall for threatening to punish any coed who agreed to pose for a *Playboy* feature (see *Newsletter*, May 1980, p. 62). Reported in: *Dallas Times-Herald*, January 30.

drama

New York, New York

Women Against Pornography, whose last battle was against the film thriller *Dressed to Kill*, has announced plans to boycott Edward Albee's theatrical version of Vladimir Nabokov's classic novel, *Lolita*. Dorchon Leidholdt, founder of the group, claimed the play exploits and legitimizes the sexual abuse of children. Many New York critics, however, simply found it an artistic disappointment. Reported in: *New York Post*, March 3.

art

Downey, California

Artist Elaine Good reluctantly agreed to remove her display of erotic art from the Downey Museum of Art January 17, after her paintings aroused the displeasure of irate callers and the City Council threatened to use a technicality in the building lease to close the museum. The paintings had been hung for four days, but during most of that period entrance to the exhibit was blocked by a shield of brown wrapping paper.

The problem began when a local radio station reported that a painting banned in the Los Angeles County Museum was going to be displayed in Downey. Good said she had exhibited one painting from her erotic series in the county museum's rental gallery, which is known as a starting place for new or relatively unknown artists. She said a museum official told her the piece was perhaps "a bit much," with all the children touring that section of the museum. Without protest, Good explained, she removed the offending work. A few months later, Good was offered a spot in the display in Downey. But after the radio report, the phones at the museum were ringing with calls from irate residents, although most callers couldn't have seen Good's works, since at that point only thirty persons had attended a preview reception.

Museum curator Lukeman Glasgow, who extended the original invitation to Good, explained the situation: If you go around to museums and galleries like I do, you'd realize this is nothing out of the ordinary. But for Downey—well, we try to reflect the moral character of our community . . . If I alienate the community, I eliminate most of my funding sources. With the reaction, I felt I had to close the whole show before we decide what to do. Of course, had I felt it was terribly offensive, I wouldn't have carried it in the first place."

Good agreed to abandon the exhibit, but she said, "I feel I've been coerced into this. I didn't want to be responsible for the closing of an art museum, but this is a case of extraordinary censorship." She was assured by museum president Bill Hare that because the city provides the site and maintenance for the museum, this was no time to fight a battle for free expression. "I know what would happen if we fight it," he said. "We'd lose." Reported in: *Los Angeles Times*, January 15, 18.

Salt Lake City, Utah

"I've taught teenagers and also worked with psychiatric patients. That picture is one that would

really incite possibilities. They could sit there and get so excited they'd go out and kill or rape." Blanche Humphreys, a member of the anti-pornography group, Citizens for True Freedom, sought the removal of a painting of two nude flying figures, by artist Trevor Southey, from display in the second terminal of Salt Lake City International Airport near the Western Airlines counter. The picture created a stir after it was hung in January. A Western official even appealed to the airport to remove the painting since the company had received threats from some customers to fly another airline if the painting did not come down.

The complaints from Ms. Humphreys and the airline were not shared by all who viewed the picture. Of a group of travellers interviewed at the airport, only one was against the painting. "I'm really disappointed," said Fred Rowland, a Salt Lake resident. "With all the fuss about it, I thought it would be pretty bad. But it's just a nude couple." Even Joy Beech, executive director of Citizens for True Freedom, disassociated herself and her organization from criticism of the artwork. "I don't consider it obscene, there's no way it could be," she said. Reported in: *Salt Lake Tribune*, January 30, 31; *Rocky Mountain News*, January 30; *Pocatello Idaho State Journal*, January 29.

etc.

San Francisco, California

The University of San Francisco has refused to allow a national conference of women educators to meet at its Lone Mountain campus because some of the members of the group are openly lesbian. The university, which was a focus of protest last fall when it refused to recognize an organization of homosexual law students, informed the National Women's Studies Association it would not permit the group to meet on the campus in a conference which is expected to attract 2,000 women in June, 1982. The organization is made up of educators interested in feminist education and women's studies, and most of its members are affiliated with colleges and universities. According to the Association's conference coordinator, there is "a strong lesbian presence" within the group. A University of San Francisco spokesperson said the school felt it could not give formal recognition to a group with an active lesbian component. Reported in: *San Francisco Chronicle*, February 7.

Washington, D.C.

Energy Secretary James B. Edwards has ordered 12,000 copies of his department's monthly *Energy Consumer* magazine confiscated and locked in storage,

due to complaints that it is biased against nuclear power. About 100,000 copies had been distributed by mail when Edwards received a complaint from Sen. James McClure (R-Idaho), chairman of the Senate Energy Committee. Approximately twenty additional letters were received. The Reagan administration "has a commitment to a definite energy policy that includes a variety of resources," a department spokesperson said. "If we're putting out something different from the policy of the department, we ought to look at it. We put a hold on the publication to review it."

The January issue, titled "Energy and the Environment," contains articles on coal production, synthetic fuels, nuclear and solar energy, and a piece by Sen. Mark Hatfield (R-Oregon) on "Nuclear War: End of the Environment." It includes a national opinion poll in which nuclear energy ranks last in favor among seven energy sources. One exception has been made to the distribution freeze—fifty copies were sent to Sen. Hatfield at his request. Reported in: *Philadelphia Inquirer*, March 22.

Washington, D.C.

In February, officials at the International Communications Agency attempted to censor portions of an outspoken magazine article by one of the former American hostages in Iran, on grounds it did not conform to current U.S. policy. The article, by John Graves, a veteran ICA official who had been stationed at the Tehran embassy, appeared in the February 26 issue of the West German periodical *Stern*. Graves was highly critical of American foreign policy. He said he concluded, in imaginary conversations during his captivity, that the underlying problem, as far as U.S. policy was concerned, was that "we do not remain true to our ideals. Instead we identify ourselves with governments who do not share our own democratic principles." ICA spokesperson Henry B. Ryan said he called for "sizable" cuts from the article under regulations proscribing active duty officers from writing material that is "inconsistent with current foreign policy." Ryan would not spell out the portions he wanted removed, but said it was clear to him that "not all the cuts were made." Reported in: *Washington Post*, March 6.

Annapolis, Maryland

According to the book's publisher, Prentice-Hall, the bookstore of the U.S. Naval Academy cancelled its order for *A Sense of Honor*, by James Webb, a 1968 academy graduate and one of the most decorated Marines of the Vietnam era, because the book is critical of some aspects of the academy. The store denies the charge.

"Bookstore officials told our sales representative they were cancelling the order and will neither advertise nor sell the book," said Patty Neger, publicity director for Prentice-Hall. The store ordered thirty advance copies of the book and when those arrived, a Prentice-Hall salesman received an order for another 175 copies from Robert Inzer, the store manager. "I telephoned the purchase order into the company," said the salesman, "and about twenty minutes later I received a call from Inzer saying the officer of the store told him to cancel the order because the book was too controversial."

Lieutenant Commander Robert N. Burton, the officer in charge, explained: "What we did was cancel a particular order. When I learned about the reorder, I said I don't want all those books in the warehouse." The initial thirty copies are in the store, Burton said, "and if the midshipmen want the book, we'll sell it to them." The officer acknowledged, however, that he would not permit it to be displayed or promoted. "In the opinion of most people who read it, there's a large amount of vulgarity and a less-than-accurate picture of the officers, midshipmen, and faculty of the academy," he said. Burton admitted that this was the first time during his tenure in charge of the bookstore that he had rescinded a book order.

Mr. Webb taught literature at the Naval Academy in 1979 while he was completing the novel. His first book, *Fields of Fire*, about a platoon of Marines in Vietnam, sold more than 700 copies at the academy bookstore. Reported in: *New York Times*, February 28.

New York, New York

Each year the United Nations sponsors a conference of "non-governmental organizations" affiliated with the U.N.; the 1980 theme was "the arms race and the human race." Donald S. Zagoria, professor of international relations at Hunter College, was among those invited to submit a presentation in advance. When he did, several of the U.N. sponsors telephoned to ask him to "tone down" his criticisms of the Soviet invasion of Afghanistan, contained in a single five-sentence paragraph. Zagoria refused, and there, he thought, the matter rested. When the official report of the conference was published, however, Zagoria discovered that his paper had been abridged to remove the offending passage. He wrote a heated letter to Secretary-General Kurt Waldheim.

"I believe that this distortion of my speech by the U.N. Department of Public Information was deliberate." Referring to the earlier attempts to change his paper, he said: "I considered the action at the time an outrageous interference of my rights to freedom of expression. But I thought that such pressure could be

attributed to the ill-advised actions of one or two U.N. employees. Now I am convinced there lies a deliberate policy." Reported in: *Chicago Sun-Times*, February 11.

foreign

Rio de Janeiro, Brazil

Although still under military dictatorship, there recently has been evidence that Brazil has moved from being one of the most repressive countries in Latin America with respect to film censorship to one of the most liberal. In particular, since enforcement of censorship was taken from the hands of the police and made the responsibility of a council formed by several authorities and intellectuals, there has been a boom in the availability of explicit sexual films. All decisions of the council, if not made unanimously, are subject to approval by the Minister of Justice.

Among films recently approved are Nagisa Oshima's *In the Realm of the Senses*, *Emmanuelle*, and *Last Tango in Paris*. Two locally produced hardcore porno films began production recently with government approval. With respect to politics, however, there has been less activity. Nonetheless, Costa-Gavras' *State of Siege*, about the urban guerrilla movement of the early 1970s in neighboring Uruguay, was released by the censors with only a few cuts, including the scene where a Brazilian flag is seen in a government torture chamber. Reported in: *Variety*, March 25.

Lima, Peru

The Peruvian Foreign Ministry has ordered police to confiscate the book *Flags*, published in Ecuador, which depicts the Peruvian flag with a skull and crossbones, the pirate emblem. The ministry said all the flags were correct except Peru's. The two countries have been having border skirmishes. Reported in: *Washington Post*, March 5.

Regina, Saskatchewan

After one of a package of nine independent films circulating through Canada was banned by the Saskatchewan provincial censorship board, the entire series, called "Hidden Cinema," was withdrawn from the province by the Cineworks Independent Filmmakers Society. Saskatchewan film classification board director Lawrence Hartt, who banned the film *A Message From Our Sponsor*, said that he did so because it "contains scenes with explicit sexual aspects and, in our opinion, fell within the realm of the Criminal Code of Canada." Reported in: *Variety*, March 11.

(From the Bench . . . from page 70)

At issue in the first case was a Utica, New York store's display of three items, described as "a pencil with an electric cord marked 'Polish calculator,' a cylinder marked 'Polish bowling ball,' and a mug with the handle inside marked 'Polish mug.'" The court held by a 4-3 vote that because a store sold such items, it did not mean the people being mocked were "unwelcome, objectionable or not acceptable, desired or solicited" at the store.

In the second case, the court upheld an order that a restaurant owner apologize in writing, offer to reinstate with back pay, and award \$500 in damages to a waitress whom he had denounced in obscene terms as a "Jewish broad." In that case, too, three judges dissented. One dissenter wrote: "In my view the First Amendment permits both the right to speak and the right to remain silent." Hence, the court may not "require the employer to apologize any more than it could require that school children recite the Pledge of Allegiance." Reported in: *New York Times*, December 24.

obscenity

Covina, California

A California appeals court has overturned the application of an adult entertainment zoning law to a theatre which only occasionally shows sexually oriented movies. Operators of the Covina Cinema were threatened with arrest for showing the softcore features *Emmanuelle* and *The Joys of Woman* after the city passed an ordinance banning the showing of erotic films in certain areas. The theatre sought an injunction against enforcement of the law, but had been turned down by a lower court.

While the City of Covina "certainly has an important and substantial interest in preserving the character of its neighborhoods," Second District Appeals Court Justice Rodney K. Potter wrote, he could not agree that isolated showings of sexually explicit films will be "destructive of the general quality of life in the neighborhood." The criteria, he held, must be whether a "preponderance" of a theatre's ordinary bills show activity covered under the law. Reported in: *Variety*, February 11.

New York, New York

A federal judge in New York refused February 18 to stop Chemical Bank, the nation's seventh-largest bank, from closing sixteen individual and business checking accounts, totalling approximately \$150,000 belonging to a Times Square "porno king" who argued that his First Amendment rights were being violated by the bank's action.

Martin Hodas, who has been described as the pioneer of the peep show business, told the court that Chemical had advised him in a letter that it would "terminate" his accounts if he did not close them voluntarily. "Unfortunately, we must ask you to make other banking arrangements," the bank wrote Hodas January 8. "Chemical Bank's reputation and your business are not compatible."

In denying Hodas' request for a preliminary injunction, U.S. District Court Judge Pierre N. Leval noted that "by doing business with plaintiff, Chemical Bank may expose itself to the risk of attracting community disapproval on an inflammatory issue and may have a legitimate concern that it is aiding an illegal business." Reported in: *Washington Post*, February 21.

(Is It Legal? . . . from page 72)

documents "presented or distributed" at a CIA sponsored conference at which a document on Soviet oil output, prepared by the Office of Economic Research, was reviewed. The CIA refused to release the documents, claiming they are exempt from disclosure under Exemption 5 (inter- and intra-agency memoranda) of the Freedom of Information Act. The conference, however, was attended by persons outside the government, including a reporter from *Oil and Gas Journal*. According to Edwin Rothschild, Director, the Foundation wants the documents released so that the public can "determine whether or not analyses the CIA is making regarding Soviet energy developments are reliable and adequate." Reported in: *Access Reports*, March 18.

church and state

Lawton, Oklahoma

Two ministers, a farmer, and a college professor filed suit March 11 in U.S. District Court in Washington seeking the removal of religious symbols from the "Holy City" area of the 60,000 acre federal Wichita Mountains Wildlife Refuge near Lawton. The 151-acre facility is operated by the Wichita Mountains Easter Service Association, a private group that has a 20-year permit to hold an annual Easter Sunrise Service on the federal land. The plaintiffs charged that having religious symbols on the property violates the separation of church and state guaranteed by the Constitution. Reported in: *Washington Star*, March 12.

obscenity

Springfield, Illinois

A bill to ban X-rated movies on Illinois state college campuses was reintroduced in the state legislature

January 14. State Senator John Nimrod sponsored the bill, which was proposed by defeated Senator Robert Mitchler last session. Mitchler wrote the measure after the Board of Regents of Northern Illinois, Illinois State, and Sangamon State Universities withdrew a proposed administrative ban on such films. Northern Illinois University is the site of an annual student-run Erotic Film Festival (see *Newsletter*, March 1981, p. 52; November 1980, p. 138).

According to J. Steven Beckett, attorney for the festival's sponsors, "The bills patently unconstitutional." Since its reintroduction, however, the vice president of student affairs at Northern Illinois issued a statement denying the student group use of university facilities for the festival next year. Beckett claimed it was a move to stop the bill and to prevent restriction of the powers of university officials. The student group has appealed the action to the school's president.

Senator Nimrod says he has adequate support in the Senate for the measure. He is, however, considering changes to expand the definition of films covered because "there are foreign films and 'homemade' films that slip into the university without ratings." Reported in: *Champaign Illini*, February 5.

Cincinnati, Ohio

In a second court test of an Ohio statute protecting juveniles from obscenity, the owners of WAIF-FM radio and one of their announcers, John Zeh, were arraigned February 20 on charges of broadcasting a performance harmful to minors. The defendants were indicted after the Joseph Platt family of suburban Cincinnati complained about a program for homosexuals, "Gaydreams," in which Mr. Zeh read excerpts from a homosexual magazine dealing with sexual lubricants and ways to use food in sex. According to Zeh, "the show was intended for adults" and he broadcast a disclaimer advising parental discretion at its start. "There was no obscenity in it, by any stretch of the imagination," he said.

The law used to indict WAIF and Zeh holds that "no person, with knowledge of its character, shall recklessly furnish or present to a juvenile any material or performance which is obscene or harmful to juveniles." Hamilton County prosecutors believe the law should be interpreted to apply to any broadcast a juvenile might monitor accidentally. Allen Brown, an attorney for the station, disagreed, pointing out that the statute was tested last May in the case of a novelty store charged with displaying objectionable shirts in its windows. In that case, the Ohio Court of Appeals for the First District ruled that "unless the words 'present to a juvenile' are interpreted to mean to

present directly to him rather than to the general public, the law would be of doubtful constitutionality."

Conviction could bring Mr. Zeh a maximum sentence of twenty years in jail and a \$10,000 fine. The station could be fined up to \$10,000 on each of the four counts in the indictment. Reported in: *Baltimore Sun*, February 21; *Daily Kent Stater*, February 26.

for X-rated films, head to the Bible belt?

According to the chairman of the Adult Film Association in Los Angeles, based on proportion of population there are more theaters showing sexually explicit films in the Bible belt areas of North and South Carolina than any other region of the nation. David F. Friedman, association chief, said in an interview with the *Charlotte News* that there are 75 "adult" theaters serving a Carolinas population of 8.9 million compared to 40 such outlets in Southern California with a population of about 10 million. Reported in: *Variety*, February 25.

(Judy Blume . . . from page 62)

The issue, according to Judy Blume, is control. If critics would have her change the content of her books, adding moral judgments, or even altering racial, sexual, or economic class backdrops, they would deny the writer's right to speak personally, and hence, from the heart, without didacticism or orthodoxy. And, if they would have books about real adolescent concerns denied to adolescents, they would also deny the right of young people to seek and obtain support in working out their problems. "These people want to go back to not being honest with children," says Blume. "But, you can't go back, and you can't make the rest of the world go back with you." Moreover, she sees efforts to control children's reading taking a turn for the worse. The results of the last presidential election, Judy Blume believes, gave a lot of people the sense that they had the right to take repressive public stands.

In their undaunted enthusiasm for self knowledge, young people today are no different from those of any other time. Many of today's children have found a source of learning in Judy Blume. She speaks to children, and, in spite of loud protests, her voice is clear to them. She tells them there is a time at which each person must decide things for him or herself. In that sense, she carries an ageless message about the sanctity of individual rights.

Footnotes

- 1. John Garvey. "The Voice of Blume." *Commonweal*, July 4, 1980, p. 393.
- 2. Naomi Decter. "Judy Blume's Children." *Commentary*, March, 1980, p. 66.
- 3. *Bulletin of the Council on Interracial Books for Children*, May, 1977, pp. 8-10.

(In Review . . . from page 64)

and "science fiction." Only with the release of previously classified documents under the Freedom of Information Act in 1977, and after Medvedev had uncovered most of the facts through the careful examination of published Soviet scientific literature, was it revealed that the CIA had been hiding vital information about the disaster, obtained in part through U-2 spy flights and other means. Here, too, Medvedev was apparently able to discover a few mistakes and inadequacies and tell the spies some things they didn't yet know.

Medvedev comments on the culpability of Western intelligence agencies:

Just because Western intelligence people knew about it does not mean they would release their information. In fact, they kept it secret for quite a few years. Intelligence agencies are not quick to acquaint the press with the information they receive through diverse special channels. Not only that; the Urals disaster could not have been a desirable subject for possibly sensational coverage in late 1957 or early 1958. At that time there had been many news stories in the United States about the near-disaster at the Enrico Fermi reactor near Detroit, publicity which the government and the AEC found extremely unpleasant. In October 1957 a reactor accident occurred at Windscale in England . . . Under such conditions to "reveal" the nuclear disaster in the USSR would have had negative repercussions, not only (and not even mainly) against the Soviet government. (p. 131).

Clearly Medvedev is one dissident equally uncomfortable with the censors in either superpower—and for that application of the scientific spirit one can only applaud him.—Reviewed by Henry Reichman, Assistant Director, Office for Intellectual Freedom.

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