

newsletter  
on  
**intellectual**  
**freedom**



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## North Carolina Moral Majority releases school book report

On April 23, the Rev. H. Lamarr Mooneyham, leader of the North Carolina chapter of the Moral Majority, released a twenty-eight page review of school textbooks, curriculum and library materials allegedly used in North Carolina. The group had promised late last year to develop extensive lists of "inappropriate" titles suggested for removal from elementary, junior, and senior high schools in the state (see *Newsletter*, March 1981, p. 29). While the report did not live up to its original promise as a comprehensive Moral Majority-approved "proscribed list," it still contained extensive criticism and excerpts of varying length taken from literature anthologies, health, biology, and sex education texts, social studies materials, and novels from school library shelves. In total, a dozen separate volumes were subjected to criticism in the review.

Mooneyham said the document would be mailed to 8,000 parents and others across North Carolina. He called on parents to discuss controversial books with local school officials "at the grass-roots level." The Durham minister said he was not calling for bans on all books that contain references to sex and violence or other material considered objectionable by the authors of the report. "What we're opposed to is deifying things like that, presenting these things as the norm when they are not," he stated.

Responding to the release of the review, A. Craig Phillips, state superintendent of public instruction, said "There is a clear and responsible process through which textbooks are selected at the state level and in local school systems. If a parent or individual has some concerns, there is a process for review." Labeling the Moral Majority effort a "witch hunt," he defended many of the materials cited in the report, explaining that passages were chosen selectively and, most often, out of context. "They have taken the sentences with bad words and implied that everything we do with the kids is to distort their values," he said. "Kids need to have access to the world around them. Our job is to teach kids to analyze materials."

The report opens with a three-page cover letter from Mooneyham which reads in part:

. . . In the past press coverage has focused on objections raised to such books as *Brave New World* and

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## targets of the censor

### books

*The American Pageant: A History of the Republic* (Heath, 1979). . . . . p. 93  
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*The Beauty of Birth* (Knopf, 1971). . . . . p. 102  
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*Death of a Salesman* (Viking Press, 1949). . . . . p. 102  
*Fatal Flowers* (Holt, Rinehart, and Winston, 1980). . . . . p. 92  
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*Focus on Mental Health, 10-12* (North Carolina Department of Public Instruction, 1974). . . . . p. 112  
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*Lord of the Flies* (Coward, 1978). . . . . p. 103  
*Love and Sex in Plain Language* (Lippincott, 1977). . . . . p. 102  
*The Magician* (Delacorte Press, 1971). . . . . p. 110  
*Mein Kampf*. . . . . p. 108  
*New Voices, 1, 2, 3, 4* (Ginn and Co., 1978). . . . . p. 112  
*Of Mice and Men* (Modern Library, 1938). . . . . p. 93

*Once is Not Enough* (Morrow, 1973). . . . . p. 91  
*One Flew Over the Cuckoo's Nest* (Viking Press, 1962). . . . . p. 102  
*Our Bodies, Ourselves* (Simon and Schuster, 1976). . . . . pp. 92, 102  
*People, Places, and Change* (Holt, Rinehart, and Winston, 1976). . . . . p. 112  
*Scholastic American Citizenship* (Scholastic Book Service, 1980). . . . . p. 112  
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*Show Me!* (St. Martin's, 1975). . . . . p. 87  
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## Show Me! bills defeated

By Deborah Miller, Legislative Educator, Illinois Library Association

Illinois libraries have for several months been under attack by self-righteous citizens who deplore the foisting on people of "obscene and pornographic" materials by our "decaying libraries" which they see as more evidence of rapidly approaching decadence. Fortunately, the majority of citizens and legislators have beaten back what might only be the opening volley in a war against enlightened, progressive library service. Two measures inspired by the unsuccessful effort to remove the sex education book *Show Me!* from the

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Oak Lawn Public Library (see *Newsletter*, January 1981, p. 5) have been defeated in the Illinois legislature.

Both House Bill 462 and Senate Bill 164 would have removed the "affirmative defense" librarians have enjoyed under the Illinois "Harmful Matter Statute" for many years. This defense exempts liability for provision of "harmful" materials to persons under eighteen years of age, when done so for a legitimate scientific or educational purpose. The statutory definition of "harmful" material is so vague as to be blatantly unconstitutional, but this merely compounded the problem. The Senate bill was resoundingly defeated by a vote of 9-2 in committee April 22. The House version, however, sailed through the committee, to which it was inappropriately assigned, and came before the full House for a vote May 14. After much floor discussion, the bill was defeated by a vote of 123-32.

There were many reasons for the defeat. Most telling was the response of Illinois citizens to the issue. Legislators vote for or against a bill for one or both of two reasons: first, the merits of the legislation, and, second, constituent input. While we would like to believe that each representative's "no" vote stemmed from a philosophical commitment to intellectual freedom, that wasn't entirely the case. Many legislators opposed the bills because library trustees in Illinois (most of whom are elected at large in non-partisan elections) have statutory responsibility for library collections, and the issue was thus seen as one of local control. Also, had the penalties been less severe (the bills called for mandatory prison sentences) the legislation might well have been approved.

With the obvious exception of burning national issues like the Equal Rights Amendment, this legislation generated more constituent response in Illinois than any other in recent memory. We learned we have many friends, both within and outside the library community. Most organized social, educational, and professional associations were sympathetic to and supportive of our cause, and many took formal positions of support. Moreover, there was an enormous groundswell of individual citizen outrage. Library patrons called to see what they could do. Many people, not heretofore identified with any library constituency, appeared at House and Senate hearings to defend access to information in their libraries. One of the first to rise to our defense was Illinois' Secretary of State, Jim Edgar, who is the only elected State Librarian in the United States. Every major newspaper, recognizing a threat to First Amendment freedoms, voiced strong editorial support for our position, as did radio and television stations throughout the state.

It would be easy to say the battle has been fought and won, but it just isn't so. Jane Barnes (R-Oak Lawn), House sponsor of the bill, insists she



intends to work out a suitable legislative address to what she still considers a major concern—keeping “pornographic” material out of libraries. She photocopied pages from *Show Me!* and circulated them among legislators. *Show Me!* itself became an issue, and many legislators were more concerned with whether that book and others like it were on the shelves of their libraries than with the merits of the proposed legislation. Many supportive legislators, including those who say they believe in First Amendment freedoms, were horrified by the pictures and wanted to see that book, and others like it, removed from library shelves.

To those in other states faced with similar problems, I can only urge you to use our experience as an example, just as we relied upon experience elsewhere to support our cause. The issue is not a local, nor a state issue, but part of a developing nationwide movement which can only be stemmed by a coordinated national effort. In Illinois, we are exhausted by the great effort spent to defeat this legislation. As Illinois Representative Diana Nelson, a former school teacher, said during floor debate, “We must not make ideas safe for children. We must make children safe for ideas!”

## new Virginia Beach controversy

The smoke has hardly settled on the brouhaha surrounding the gay publication *Our Own* in the Virginia Beach (Virginia) Public Library (see *Newsletter*, July 1980, p. 75; November 1980, p. 97; January 1981, p. 16; March 1981, p. 37), but the library is once again embroiled in controversy. The dispute arose when a request by the Ku Klux Klan that the library subscribe at each of its five branches to *The Klansman*, the national newspaper of a Klan faction headquartered in Denham Springs, Louisiana, was denied. “All we want is the same thing *Our Own* was given—one copy in the library,” Spec. 4 Michael Gulino, leader of the Hampton, Virginia Klan Klavern, said.

In an interview with the *Newsletter*, Library Director Martha Sims explained that the paper had been reviewed by a panel of ten library officials and was found to fall outside the library’s selection guidelines. While no single criterion governed the rejection of the publication, she said, the Virginia Beach Public Library does have adequate literature by and about the Klan available, and the newspaper did not “add anything new.” Moreover, the library’s usual policy in handling organizational publications by dissident or special interest groups is to subscribe only to locally based publications, or publications of special local interest. Were the library to subscribe to *The Klansman*, she explained, it would be necessary, in fairness, to subscribe as well to several other national Klan and anti-Klan publications, and to other national publications of dissident groups of the

far Right and Left. That, however, is beyond the resources of the library.

The Klan is reportedly considering asking the ACLU to bring suit against the library system. Reported in: *Norfolk Ledger-Star*, March 25.

## The Lottery wins again

U.S. District Court Judge Miles Lord has once again rejected efforts by the Forest Lake, Minnesota, School Board to ban a film version of Shirley Jackson’s short story, *The Lottery*. In January, Lord issued a temporary injunction lifting a three-year ban on the film but said he would reconsider his decision if the school board could show the ban was not an infringement on students’ First Amendment rights (see *Newsletter*, March 1981, p. 37). On April 23, Lord heard arguments to that effect, but was clearly not impressed, making permanent the injunction issued in January.

Paul Ratwik, the board’s attorney, argued that in a February resolution the board had, by a 5-2 vote, adequately justified the ban. The resolution said the film, and an accompanying short discussion film, put “undue emphasis upon violence and bloodshed” and “have the effect of distorting the short story and overshadowing its many otherwise valuable and educationally important themes.” But Lord said the board “failed to produce any credible evidence” to exclude the film other than “the fact that the board and certain elements of the populace object to ideas” in it. The objections may “have deep and abiding religious overtones for those who make them,” he said, but that cannot be a reason to ban a movie.

Lord declared the resolution on violence was “self-serving” and he didn’t believe violence was the reason for the ban. He said there is more violence on the nightly news, yet noted that people were not lining up to protest. Forest Lake students, Lord commented, do not live in a “vacuum and every day are exposed to more violence than shown in the twenty-two seconds (in the film).”

According to Philip Getts, lawyer for the Minnesota Civil Liberties Union, which brought suit on behalf of three students, Lord’s ruling was the first time a federal judge in the U.S. Eighth Circuit had overruled a curriculum decision of a school board. Reported in: *Minneapolis Tribune*, April 24.

## The Godfather is shown

Francis Ford Coppola’s Academy Award-winning film, *The Godfather*, whose showing at the new Rochelle, N.Y. Public Library in December was delayed after complaints that it defames Italian-Americans, was screened without incident or protest at the library on

April 4. Following the showing, a discussion of the film and related issues was held, moderated by Councilman Don Zaccagnino.

In a communication to the *Newsletter*, Library Director Eugene L. Mittelgluck clarified several points in our original coverage of this incident which may have been misleading (see *Newsletter*, March 1981, p. 40). "Although the juxtaposition of discussing the Library's budget and the showing of this film, in the context of a City Council meeting was clearly inappropriate and unfortunate," Mittelgluck wrote, "the two items were in fact not related. Board President James Humphry's statement, which you quoted, was based on the unanimous decision of the entire Board [to postpone the film's showing], in advance, and was not merely in response to members of council."

### **CIA roundup**

## **Congress reconsiders agent identity bills**

"Names of agents" bills, which would make it a crime to disclose the names of CIA or other undercover U.S. intelligence operatives working abroad, have been re-introduced into Congress as H.R. 4 and S. 391. The bills are exactly like those reported last year by the House and Senate Intelligence Committees; both would penalize the publication of information derived entirely from public sources (see *Newsletter*, November 1980, p. 125).

In an opening hearing on the House bill by the House Intelligence Committee, Majority Leader Jim Wright (D-Texas) said he hopes the proposal won't die as it did last year when "some people found reason to drag their feet." He said the country had tolerated "abusive disclosure by rogue agents" long enough. Last year's controversy stemmed from efforts by civil liberties and reporters' groups to exempt revelations essential to news reports of intelligence failures or abuses, or those which only shed further light on disclosures already made public by the government itself through unclassified documents.

On behalf of the Reagan Administration, CIA Director William J. Casey asked for an undiluted bill, calling it a priority item in the presidential program "to enhance the nation's intelligence capabilities." A Justice Department spokesperson went further, asking that the bill be amended to criminalize "attempts" to make unauthorized disclosures. Rep. Wyche Fowler (D-Georgia), however, balked at that proposal, suggesting it might only cloud prospects for passage. "I can conceptualize an attempt to murder or an attempt to commit rape, but I have trouble with an attempt to make a revelation. Until somebody speaks, we don't know what they're going to say," he argued. In addition to

U.S. intelligence officers, informants, and "sources of operational assistance" abroad, the bill also proscribes disclosure of the names of undercover FBI agents in this country.

Casey has also asked Congress to pass legislation that would permit the FBI to conduct surprise searches of newspaper and broadcasting newsrooms in cases involving the publication of the names of covert CIA agents. The proposal would amend legislation enacted last year requiring law enforcement agencies to obtain subpoenas for notes, film, tapes or other documentary materials used by publishers and broadcasters (see *Newsletter*, January 1981, p. 21).

The search law does contain an exception permitting surprise searches in espionage cases, and, in a recent letter to House Intelligence Committee Chairman Rep. Edward P. Boland (D-Massachusetts), Casey suggested that the exception be extended to cover cases arising under the agent identities bill. Speaking on behalf of the ACLU, Morton H. Halperin and Jerry J. Berman said Casey's suggestion would only add to the already "chilling effect" of the bill. Reported in: *Washington Post*, April 8; *New York Times*, May 9.

In a related development, the Central Intelligence Agency once again made a strong pitch to have its records made exempt from the provisions of the Freedom of Information Act. In a letter to Congress, CIA Deputy Director for Administration Max Hugel called for a total exemption from the Act's provisions. This is the first time the CIA has sought such total exemption. Previous proposals, including a much-publicized 1979 appeal to the Senate Intelligence subcommittee by then Deputy Director Frank Carlucci, called for an exemption for the agency's operational files only.

Meanwhile, the CIA is falling further behind in responding to freedom of information requests. Its backlog at the end of 1980 was 189 cases greater than at the end of 1979. The agency reported that most of the time it devoted to implementation of the Freedom of Information Act was spent on administrative appeals and litigation.

In such litigation, the CIA has had some recent success. On March 27, U.S. District Court for the District of Columbia Judge John Garrett Penn ruled the CIA doesn't have to say whether certain information requested under the Act even exists, much less release it. Rep. Don Edwards (D-California) had requested CIA records relating to publication of a 1973 book, *Chile's Marxist Experiment*, which he posits was used by the agency for propaganda purposes. Penn accepted the CIA's contention that admitting to the existence of such information, even if it is not revealed, would effectively uncover CIA sponsorship of a foreign infor-

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## in review

### **Defending Intellectual Freedom: The Library and the Censor**

By Eli M. Oboler. Greenwood Press, 1980. 246 p. \$22.95.

Were it not for the fact that Eli Oboler is so cerebrally peripatetic, one might be tempted to describe his contribution to the literature of intellectual freedom as monumental. As it is, some less static image may be more appropriate, such as the not entirely facetious comment by one observer that Oboler has seemed intent on cornering the market where intellectual freedom and libraries are concerned. However his activities are described, the newly retired Idaho State University Librarian has few peers when it comes to providing regular and persistent commentary concerning censorship related issues, and he is unparalleled in the range of knowledge and the depth of scholarship that he has concentrated on aspects of the subject in works like *The Fear of the Word: Censorship and Sex*.

*Defending Intellectual Freedom* is described by its publisher as a "collection of Oboler's essays on the defense and promulgation of freedom of thought and the battle against censorship." This provides a reasonably accurate description of the content of the first 150 pages of the book. There are more than twenty essays in this part, nearly all of them published originally in periodicals during the past two decades. They are arranged in sections by topic, including such Oboler specialty subjects as "The Free Mind," "the Politics of Censorship," and "The Etiology of Censorship."

The remaining 100 pages include reprints of editorials; letters to editors; reviews of books; selected lists of books on censorship pro and con; notes, maxims and Oboler's personal intellectual freedom creed for librarians.

Collections of works that have been published previously almost always share certain deficiencies. The work included tends to be uneven in quality. It lacks a central unity. Some of the content becomes dated. Similar expressions of the same idea are repeated in different essays so that their continued iteration becomes tedious.

In addition to these criticisms, indigenous to the genre, there are other problems. The editorial decision to include letters without explanation of their context sometimes leaves the reader at a loss to understand their significance. The original publication data are only occasionally cited at the beginning of individual essays. This makes it necessary for the reader to turn to the acknowledgements section in order to establish the date

and the context for the essay, a bothersome and needless imposition.

Although the author's command of language and ideas affords him the capacity to explicate and enrich his exposition of difficult concepts, his prose occasionally veers dangerously close to bombast.

Two scenarios seem likely possibilities for the futurologist who attempts the admittedly difficult task of forecasting what the year 2000 will bring in the way of mind-control over literary creativeness. One can, of course, in the Tennysonian kind of vision, see a world where the authors will continue to "paint the mortal shame of nature with the living hues of Art," to "rip your brothers' vices open, strip your own foul passions bare." Or, at the other extreme, the censors may have once again taken over, and Elsie Dinsmore, rather than Lady Chatterley, may be fiction's exemplar. (p. 15).

Similarly, Oboler's mantle of learning occasionally embraces the small pedantry of such phrases as "Nisbet and his fellow true believers can see no usufructs from intellectual freedom. . ." (p. 99)

Despite these small irritants, this collection represents a worthy contribution to that small but growing body of

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## the voters speak

Pro-censorship candidates were soundly defeated in library and school board elections April 7 in two communities where much-publicized efforts were made recently to remove controversial titles from public or school library collections. In Oak Lawn, Illinois, where last Fall hundreds of citizens packed a Library Board meeting in an unsuccessful effort to have the sex education book *Show Me!* removed from the shelves (see *Newsletter*, January 1981, p. 5), the Citizens for a Better Library slate lost in the Library Board election to three incumbents who opposed the book's removal. The anti-censorship candidates received between 6,900 and 7,900 votes, while the anti-*Show Me!* forces won between 4,700 and 5,700 votes. Harriet Murphy, one of the victors, said the election was a statement that Oak Lawn voters "didn't want any pressure group deciding what they can and cannot read."

In Montello, Wisconsin, where in February a group of "Concerned Citizens" removed thirty-three titles from school libraries and ultimately filed challenges to ten (see *Newsletter*, May 1981, p. 66-7), Charles Solterman, leader of the censorship group, and Beatrice Weiss, an incumbent Board member who supported its efforts, finished sixth and fifth respectively in a six-person race to fill three openings on the Board of Education. While the victorious candidates gained between 1,108 and 1,244 votes, Mrs. Weiss received just 416 votes and Solterman only 399. Reported in: *Suburbanite Economist*, April 12; *Wisconsin State Journal*, April 8.



## — censorship dateline —



### libraries

#### Glen Rose, Arkansas

Daniel Keyes' *Flowers for Algernon* has been banned from the high school library in Glen Rose by school officials who claimed the book contains sex scenes and obscene words. "The book described the sex act in explicit four-letter terms. It was sort of like the books in plastic covers you see at some newstands," School Superintendent Don Henson explained in announcing the action April 3. Objections to the book were first raised by the father of an eighth grade student, and the title was reviewed by a committee before it was taken from the shelves. According to Henson, *Flowers for Algernon* is the only book to be banned at the library, but he said teachers have blacked out some four-letter words in other materials. Reported in: *Belleville (Illinois) News-Democrat*, April 5.

#### Homer, Arkansas

*War Year*, a novel about Vietnam by former serviceman Joe Haldeman, which sparked controversy because of its raw language and graphic descriptions of battlefield violence, has been removed from the Soldotna Junior High School Library. The decision was reached March 2 in a 5-1 vote of the Kenai Peninsula Borough School Board, which voted to remove the title from the library collection. Prior to the board's vote, Associate Superintendent for Instruction Dennis Daggett recommended the ban. "While I'm aware that many pre-teenagers are familiar with the barracks language contained in the book," Daggett stated, "I cannot perceive any redeeming educational benefit in retaining the book in a junior high library collection." Jane Hammond, the dissenting member of the board, argued that the book shows students what war is really like. Reported in: *Homer News*, March 5.

#### Mt. Morris, Michigan

Objecting to what they claim are library books containing pornographic passages, a group of citizens have asked Genesee District Library officials to establish new policies on choosing books and on restricting minors' access to library materials. At a library board committee meeting May 21, Bettye Lewis, a spokesperson for the group, said that children's free access to books with sexually explicit material uses tax dollars "to usurp the rights of parents to have control over their children."

The meeting was arranged by the board after Joan Visser, a Mt. Morris homemaker, complained about specific titles, including Jacqueline Susann's *Once is Not Enough*, Sidney Sheldon's *Bloodline*, Harold Robbins' *The Lonely Lady*, and all books by sex education expert Sol Gordon, whose recent speech in nearby Flint had been picketed by members of the complaining group and others. Mrs. Visser said she looked for the books after learning of the efforts of the Rev. Tom Williams to remove some of the same titles from the public library in Washington County, Virginia (see *Newsletter*, January 1981, p. 5). "These books only scratch the surface, they're only an example of the kinds of pornography that's available in our libraries," Mrs. Visser declared.

Jack Winegarden, chairperson of the Genesee District Library board, said the district supports the principles of ALA's *Library Bill of Rights*. "Our policy has been that selection of reading material is purely an individual matter, with each citizen free to reject any material," he stated. "But no one can restrain others' freedom to read library material. No decision can be based on race, nationality, morals or the political, religious or social views of the author." Reported in: *Flint Journal*, May 22.

#### Buffalo, New York

A novel describing a sexual relationship between two teenagers has been temporarily removed from libraries in the Buffalo public school system because of a parent's complaint to the Police Department. The book, *It's OK If You Don't Love Me*, by Norma Klein, was ordered off the library shelves in mid-April after Acting Detective John T. Dugan, Jr. informed Board of Education officials the novel was being read by eleven- and twelve-year-old students. "These kids even wrote down where all the dirty pages were on the inside cover," said Dugan, the Buffalo Police Department's one-man Salacious Literature Squad. Dugan said he was given the book by the mother of a twelve-year-old male pupil whom, she reported, had been given it by an eleven-year-old female classmate.

Carol Kearney, director of school libraries, recalled

all copies of the book for review by a panel of parents and librarians. "If it is found objectionable, it could be removed from the libraries altogether or put in a special reserved section," she said. Mrs. Kearney, who had not yet formulated her own final opinion, stressed, however, that "you can't review a book by reading a few pages." She said Detective Dugan might be "taking things out of context." Reported in: *Buffalo News*, April 11.

#### **New Hanover County, North Carolina**

"Any book by Judy Blume should not be on the shelves in public schools and right now I'm hoping and praying it will be taken off." Those were the words of Gail Schley, of Carolina Beach, North Carolina, whose complaint against Judy Blume's *Then Again, Maybe I Won't* in early March led the New Hanover County school committee to pull all Blume books from the library shelves for review. Maurice Hawes, Director of Instruction for the school system, said a "broad-based citizens committee made up of professionals, parents, and ministers" would decide whether the books should be banned permanently. The books were taken from the library shelves in order to get copies for all committee members, Hawes said. Mrs. Schley objected to references in the book to personal sexual activities, the description of a boy peering into the window of a girl who is undressing and an incident in which a boy steals and is not caught. Reported in: *Wilmington Morning Star*, March 11.

#### **Decatur, Texas**

A group of Decatur residents, calling themselves the Decatur Committee for Decency, appeared before the Decatur Public Library board March 9 seeking the removal from the library collection of *Our Bodies, Ourselves*, the controversial feminist health manual and subject of a recent mailing by the Rev. Jerry Falwell of the Moral Majority. In a petition presented to the board and reportedly signed by "hundreds of Decatur citizens," the group charged the book advocates the "normalcy of fantasies involving sexual relations with animals," depicts "sordid details of lesbian love-making," and includes "distastefully explicit drawings and photos portraying lesbians, male and female genitalia, positions of the sex act and sexual technique." Reported in: *Wise County Messenger*, March 11.

#### **Muskego, Wisconsin**

Superintendent of Schools Robert Kreuser has placed a second Muskego High School library book in a restrictive circulation category. Kreuser informed the Muskego-Norway School Board of his action April 6. Students who are younger than eighteen will now have to obtain written permission from a parent to check out

the book *Changing Bodies, Changing Lives*. The board itself had imposed that same limitation earlier on *Our Bodies, Ourselves*, which had been the object of a citizen complaint (see *Newsletter*, May 1981, p. 67). *Changing Bodies, Changing Lives*, a book for teenagers that deals with topics of sexuality and relationships, is written by some of the authors of *Our Bodies, Ourselves*. No complaint had been made against the book before Kreuser restricted its circulation. Reported in: *Milwaukee Journal*, April 7.

#### **Nashotah, Wisconsin**

*Go Ask Alice*, an autobiographical account of an anonymous girl's unsuccessful battle with drug addiction, has been removed from a special eighth grade shelf of the Nashotah Elementary School library after a complaint that it might encourage drug use. The complaint, filed February 2, by Bruce and Marianne Ouweneel, triggered the school library committee's March 3 decision to remove the book. The title was added to the library after eighth grade pupils involved in a health class drug education program became interested in it and brought it to school.

"We do not believe it is right to use the taxpayers' dollars to buy books with filthy, obscene language in them," the complaining couple said. "If some want this type of book for their children, let them purchase it for home use." Citing several passages from the book, the Ouweneels argued they "would encourage experimentation by some individual who would feel they could avoid the problems that the girl had in the book." Reported in: *Milwaukee Sentinel*, March 16; *Hartland Lake Country Reporter*, March 17.

#### **Ripon, Wisconsin**

According to the minutes of the Ripon Public Library board's February 24 meeting, an informal complaint was raised to *Fatal Flowers: On Sin, Sex and Suicide in the Deep South*, by Rosemary Daniel. The book examines the suicide of the author's mother as an example of cultural bias against women and the double standard of morals which the author believes to be particularly prevalent in the South. Library Director Alan Jorgenson said no action would be taken unless a formal request for review is made. Reported in: *Oshkosh Daily Northwestern*, March 13.

## **schools**

#### **Montgomery, Alabama**

After a special late-night meeting in the Governor's Mansion, organized and attended personally by Governor Fob James, the Alabama State Board of Education voted March 17 to remove from the state-approved



list five of eleven textbooks targeted by conservative textbook protestors in February (see *Newsletter*, May 1981, p. 67). A sixth book had been dropped earlier by the State Textbook Committee, which makes recommendations to the Board. At the special evening meeting, Gov. James told Board members he favors "a total scrutiny and involvement of laymen in Alabama" textbook selection procedures. Commenting on one text, *Unfinished Journey*, which protestors alleged glorifies the Soviet Union, James said his "eyes have been opened. That is a damnable distortion of history. The Soviet Union has failed miserably." The passage in question commented on the development of industry and modernization in Soviet Russia since 1917. The books removed from the list are: *Unfinished Journey*; *We the People—History of the United States*; *Living Law Series: Civil Justice*; *Living Law Series: Criminal Justice*; *Civics*; and *The American Pageant: A History of the Republic*.

In response to the decisions, Mary Weidler of the Alabama ACLU said she was "extremely concerned" about the growing influence of special pressure groups on education, and commented that the meeting at the Governor's Mansion should have been held in a public place. Several members of the State Textbook Committee also complained that protesting parents, Governor James, and some board members were reading the books out of context and, perhaps, "missing the point." "History is a search for truth," Fred Sakon, a Livingston University professor and member of the Textbook Committee, said. "If you exclude others' opinions, are you searching for truth or are you supporting what you already believe?" Reported in: *Montgomery Journal*, March 17; *Anniston Star*, March 18; *Birmingham Post-Herald*, April 9.

#### **Des Moines, Iowa**

*A Quickie*, a two-minute film used in a six-hour training session for teachers of sex education in the Iowa schools, prompted considerable controversy—and a few chuckles—when, on May 5, two conservative Iowa legislators screened the film publicly. They did so in an effort to win support for a statutory prohibition on the distribution by the state Department of Public Instruction of sex education materials which include non-scientific depictions of the human anatomy and visual depictions of sex acts. The proposed legislation was defeated.

In the film, a couple race from the point of meeting, to undressing, hopping in bed, frenzied lovemaking, redressing and exiting—all in less than two minutes. The speed-up effect is intended to be comic, and the film was used in the teacher-training session as an "ice-breaker." Representatives James Clements and Karen

Mann, however, argued that *A Quickie* is "beyond tackiness. All it is is the visual depiction of copulation." The film is not designated for use in the classroom. Reported in: *Iowa State Daily*, May 1; *Des Moines Register*, May 16.

#### **Sauk Rapids, Minnesota**

A Sauk Rapids City Council member has been leading an effort to get John Steinbeck's *Of Mice and Men* removed from the English curriculum at Sauk Rapids High School. In early March, a school materials review committee decided to retain the book, but that ruling was appealed to the school board by Mildred Benner, the councilwoman, and others. According to Benner, the book is inappropriate for high school students due to the profane language it contains. Reported in: *St Cloud Times*, April 2.

#### **Brodheadsville, Pennsylvania**

J. D. Salinger's *Catcher in the Rye*, perhaps the all-time favorite of would-be censors of public school reading, will be read in the future by students at Pleasant Valley High School in Brodheadsville only with the written permission of their parents. That was the ruling of school principal Martin J. Matula in response to a complaint against the book filed by William and Joan Cetnar, whose fifteen-year-old son brought the assigned novel to their attention. The Cetnars objected to the book's profanity, which they feel is not appropriate for use in a school book. Reported in: *Belleville (Illinois) News-Democrat*, March 29.

#### **Ogden, Utah**

Ogden city school administrators have decided not to permit any more flyers or brochures to be distributed to school children until the Board sets a policy on the practice. The early May decision followed a controversy which erupted in April when the Citizens for True Freedom, a local "anti-pornography" group, objected to the distribution of a pamphlet prepared by the Ogden City Animal Shelter. The brochure, designed to tell children how to care for animals, advocated that pets be neutered. According to Joy Beech, Director of Citizens for True Freedom, that sort of thing should be taught only in the home. She said some children might think that they, too, should be neutered, because they are also taught that they are part of the animal kingdom. Reported in: *Salt Lake Tribune*, May 2.

### **student drama**

#### **Camden, Delaware**

Students at Caesar Rodney High School lost the first round in their battle to stage a production of

the Broadway hit musical *Pippin* May 5 when U.S. District Court Judge Walter Stapleton ruled that school district officials did not violate their First Amendment rights by cancelling the play in mid-rehearsal. ACLU attorneys representing the students and their parents said they will appeal to the Third Circuit Court in Philadelphia.

The controversy began in mid-March when Superintendent of Schools F. Neil Postlethwaite, prompted by a complaint from school Board President Bruce Walton, who had described the play as filthy and sacrilegious, decided that even the edited version of the script used by the students was inappropriate for a rural community forty-five miles from Wilmington. The decision drew nearly two hundred people to a school board meeting March 17, where sharp criticism was focused on the cancellation. Indeed, only one parent voiced support for the school administration. "We teach them about due process, freedom of speech and expression, and then deny it to them," said Caesar Rodney Teachers Association president Dennis Dixon at the board meeting. "If we're going to make a mistake, let's make it on the side of freedom, and not censorship."

Judge Stapleton disagreed with these sentiments, however. In a thirteen-page opinion, the judge declared a student has neither a First Amendment right to study a particular aspect of history nor one to participate in a particular dramatic work. While the administration must not create a "pall of orthodoxy" in the school community, a free exchange of ideas did remain because two unexpurgated copies of the script were available in the school library.

According to Music Theatre International, which licenses *Pippin's* amateur rights, since 1978 there have been two hundred and fifty high school and forty-seven elementary School productions of the play. Reported in: *Dover State News*, March 13, 24, April 7, 8, May 10; *Wilmington Journal*, March 18, 24, April 8, 9; *Wilmington News*, March 13, 24, April 9; *Variety*, April 8, May 6.

#### **Reno, Nevada**

Reno High School administrators have cancelled a play planned at the school by the Sierra Horizons Theatre Company. According to Ed Gilweit, Sierra Horizons artistic director, the school and his company planned a dual production of a high school play called *Battle of the Sexes* and Sierra Horizons' *Tilt*, by Joel Schwartz. But some students who had been rehearsing *Tilt* complained that the play has offensive language. The controversial parts included two references to cow excrement and one to a homosexual, Gilweit claimed. *Tilt* takes place in a psychiatric hospital and concerns

a patient who is admitted while on hallucinogenic drugs. The roles of patient and doctors become confused, prompting questions about who in society is really sane and who insane. Reported in: *Reno Gazette*, March 4.

#### **Warrentown, Virginia**

On the way to the Fauquier High School stage, a funny thing happened to *A Funny Thing Happened on the Way to the Forum*. The play didn't arrive. After less than a week of rehearsals for the Tony Award-winning Broadway hit, the student production was cancelled on the initiative of the school superintendent in this suburban Fairfax County community near Washington. Complaints had been received about sexual innuendoes in the script. Parents of students who had parts in the musical are charging that their children's rights were violated because of the concerns of only a few members of the community. "It's a clear-cut case of censorship," said Pat Moore, whose daughter won a part in the production. However, two students had also resigned from the cast, citing moral objections to the subject. "One of the dance scenes was pretty suggestive," complained Patty Moon, who gave up her part as a slave girl. "I wouldn't have wanted my mother to come see me doing things like that." School drama director Jim Challender defended the musical as a spoof of the works of the Roman playwright Plautus. He said the play had been successfully produced in high schools all over the country, including two in Fairfax County. Reported in: *Washington Star*, April 29.

#### **student press**

##### **Richmond, Rhode Island**

With the support of the ACLU, Carl Smigielski, a sixteen-year-old Chariho Regional High School student, has filed suit in U.S. District Court to force the Chariho Regional School Committee to permit the sale and distribution of his alternative student newspaper, *The Independent Press*, on school grounds. The Committee voted 6-3 on March 16 to ban the publication from the campus. The first issue of the paper appeared on March 13.

"If we allow you to pass out anything, it opens up the door to other people," said School Committee member Jacqueline Kenyon. The Committee urged Smigielski, a sophomore, to devote his efforts to the official school publication, *Hoofbeats*. Stephen J. Fortunato, one of the ACLU attorneys handling the case, saw that suggestion in a different light, however. "It's bad enough that there is outrageous censorship involved," he said. "but the situation becomes even bleaker from Carl's point of view in that they allow another school newspaper to be published." Reported

in: *Providence Journal*, March 18, 27; *Providence Bulletin*, March 24.

#### **Fort Worth, Texas**

About one hundred copies of the Texas Wesleyan College student newspaper, the *Rambler*, were pulled from campus racks briefly April 24 because of an editorial criticizing the awarding of honorary degrees by the college to those "who possess large sums of money." The papers were later returned, but only after college president Jon Fleming ordered the edition withheld from the school's trustees and other "friends of the college" who might be offended by it. Fleming said the copies had been removed from the stands by an "overzealous" official. Reported in: *Birmingham News*, April 26.

### **universities**

#### **Little Rock, Arkansas**

The University of Arkansas vice president for student affairs was forced to resign April 17 amid charges that the resignation was the result of pressure exerted by a small group of women belonging to an organization known as Family, Life, America, God, or FLAG. According to Arkansas Governor Frank White's office, the women had presented allegations that the vice president, Gordon Beasley, allowed the showing of sexually explicit films at the university and that he permitted lesbians and homosexuals to meet in the Student Union of the Fayetteville campus. University president James Martin said Beasley's resignation was a personnel action and all the details should not be aired in the press. However, he did state that Beasley had failed to keep him informed of student activities. Dean of student services Maureen Anderson also resigned in the wake of Beasley's dismissal.

In a related development, State Senator Kim Hendren (R-Gravette) called for an end to the foreign film series at the university, calling the films "signs of a decadent society." Hendren objected specifically to the film *Luna*, which he said deals with incest. "I don't think it's the responsibility of the University or the state to permit students to see even Walt Disney films," Hendren said. Reported in: *Northwest Arkansas Times* (Fayetteville), April 19; *Arkansas Traveler* (University of Arkansas), April 23.

#### **Duluth, Minnesota**

A midnight showing of the hard core adult film *Frat House* as part of a University of Minnesota at Duluth fund-raising week was abruptly cancelled May 1 by University Provost Robert Heller, just fourteen hours before its scheduled screening. The film was to be

shown by a loosely organized co-educational group named I Phelta Thi to raise funds for the school's annual Serving Other Students week. In a brief statement, Heller said, "The policy of the University of Minnesota at Duluth is that X-rated movies are not to be shown on university property for general audience entertainment purposes." Heller admitted, however, that the policy was not written, but merely "an understanding." Gary Kelly, university staff advisor to the UMD Student Association, said, "Our understanding is that there was no policy."

I Phelta Thi president, Linda Barnes, explained the group decided to show the film "so students like me who have never seen an X-rated movie could watch one in a comfortable environment. I respect the opinion of the administration, but it angered us that they waited until fourteen hours before the showing to tell us we had to cancel." Reported in: *Duluth News-Tribune/Herald*, May 2; *UMD Statesman*, May 7.

### **broadcasting**

#### **Rexburg, Idaho**

KVIK, the student-run radio station at Ricks College in Rexburg, has systematically purged its record collection of sounds offensive to the moral standards of the Church of Latter Day Saints. A press release distributed by the station in late March quoted Vince Gregg, a Ricks freshman and assistant station manager: "I figure it took us more than 50 hours to play and listen to each record, checking on sex, drugs, profanity and just anything that would reflect on our standards and influence just one of our students to break the moral code in any way." The students eliminated 451 records from an 870 record collection. Lyrics were judged not merely on face value, but also for their "subliminal effect." According to one staff member, "they might not hear every word but the suggestion is there working on their sub-conscious. We weren't allowing any lyrics to stay that suggested evil in any way." Reported in: *Idaho State Journal*, April 3.

#### **Kearney, Nebraska**

Nebraska Educational Television commissioner Jack Langford of Kearney charged April 2 that a documentary program aired by the network and produced by the New York PBS affiliate, "El Salvador: Another Vietnam?", is an "obviously leftist propaganda documentary," and he demanded that a second airing of the feature, scheduled for broadcast April 21, be cancelled. Langford had originally raised questions about the program at a March 24 Commission meeting when he distributed copies of a newsletter published by Accuracy in Media, a right-of-center media watchdog



group, which described the show as "leftist propaganda timed to coincide with widespread Red-inspired demonstrations protesting U.S. policies." "I believe," the commissioner wrote, "we have a major responsibility to insure that our network is not used by anyone, including the Public Broadcasting Service, to present biased information which is intended to undermine President Reagan's efforts to protect the national interests against our enemies."

The Commission decided to let NETV Program Manager Ron Hull preview the program and judge whether it was suitable for broadcast. Hull reported he did so and also consulted eight other Midwestern educational TV stations or networks that had broadcast it. "Without exception, it was well received," he said. "I simply feel it powerfully raises possibly the most important foreign policy question of the year. People should have access to it." Hull also noted that on its "Dateline Nebraska" program, NETV had aired a lengthy interview with a Salvadoran journalist who advocates increased U.S. aid to the Duarte regime in El Salvador. "I really feel we are trying to bring balance," he said. "All programs have a point of view."

In a special conference call meeting April 14 the Commission heard Hull's report and divided 4-4 on Langford's motion to cancel the program. Because the motion failed to receive a majority (one commissioner did not participate), the program was aired on schedule. Reported in: *Lincoln Journal*, April 10; *Omaha World-Record*, April 15.

#### **Charleston, South Carolina**

A decision by ABC affiliate WCBD-TV Station Manager Virgil V. Evans to pre-empt a February 22 network showing of the 1979 Oscar-winning film *Norma Rae*, about a textile worker and her efforts to organize a union in a Southern mill town (like Charleston), prompted some one hundred and fifty viewers to call the station in protest. A delegation of area ministers also met with Evans to complain. Evans, however, defended his decision as "the best thing for the largest segment of our audience." He denied the cancellation stemmed from any political motivation, claiming it simply reflected the station's assessment that interest in *Norma Rae* would not be high since the film had been shown at a Charleston college and a film club in September. An ABC spokesperson in New York said the Charleston affiliate was the only station to pre-empt the movie. Reported in: *Charleston Post*, February 23.

## **art**

#### **Dallas, Texas**

When the annual exhibition of the Dallas chapter of

the Texas Fine Arts Association opened at the Plaza of the Americas April 5, three works originally scheduled for showing, including one prize-winner, had been removed at the request of Plaza management. The next day, four more works were banned from the exhibit. In each case, the reason given was that it is a Plaza policy not to display artwork depicting nude figures.

The three works initially removed, a Cheryl Lynn painting and two drawings by Ellen Soderquist, depicted nude females from the back; no genitals or breasts were shown. The four works removed on April 6, however, "only depict nudity if some stretching of the visual imagination is allowed," according to *Dallas Times-Herald* art critic Bill Marvel. The works, by artists David Zyanut, Bradley Bayoud, and Michael Donaldson, are all abstract creations. Last year, the Texas Fine Arts Association encountered the same problem when an official at City Hall, where the show was then held, banished two nude works. This year's banned works were all put on display at the Contemporary Gallery, which agreed to take in items disallowed by the Plaza. Reported in: *Dallas Times Herald*, April 4, 7.

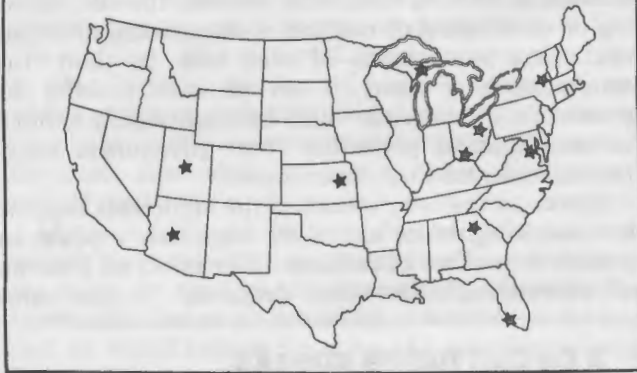
#### **Dallas, Texas**

The members of the Allen Street Gallery board clearly saw the irony in the title of an exhibit of their own photographs, "Overexposed," which included several nude studies. But the work of one board member, Robin Milsom, was, perhaps, a bit too overexposed for some other members. Her photos depicted a nude male in an obvious state of sexual excitement. According to Ms. Milsom, the dimly-lit works were part of series of male nudes which date back several years; the model was her husband.

Shortly before the exhibit was to open, Milsom was called in and the gallery inquired if she could substitute other pictures, or if she minded if they put a piece of paper over each photo so that visitors who wanted to see them would have to make the effort and the rest could pass on without offense. Milsom thought about it, and decided to take the pictures down "in the interest of conciliation." But, she says, her acquiescence should not be taken for support of the removal. "We have always had a policy at the Allen Street Gallery of non-judgmental shows," she protested. "I am very opposed to censorship." She also pointed out that men have been exhibiting artistic photographs of female nudes for years without complaint. Reported in: *Dallas Times-Herald*, March 12.

(Continued on page 104)

## from the bench



### U.S. Supreme Court

The Supreme Court has agreed to hear two university-related cases with First Amendment implications. On February 23, the court announced it would hear the University of Missouri's appeal of a lower court decision allowing religious organizations to use University buildings. The case began in 1977 when a University of Missouri at Kansas City student group, named Cornerstone, filed suit against a policy forbidding organized religious workshops in University facilities. The university policy was upheld at the District Court level, but overturned by the Eighth Circuit in August 1980. The case will probably not be heard until the court's next session begins in October, university counsel Ted Ayres said. Reported in: *Columbia Missourian*, February 24.

In the second case, the justices agreed May 18 to consider an appeal by Princeton University of a New Jersey Supreme Court decision that the school had violated the First Amendment rights of Chris Schmid, a member of the U.S. Labor Party, when he was arrested for trespassing on University property in April, 1978 while distributing political literature (see *Newsletter*, January 1981, p. 16). Schmid's attorneys have compared the situation to a private shopping mall, and cite the Supreme Court's ruling last year permitting states to require the owners of such malls to let individuals circulate petitions on their property.

Representing Princeton, former U.S. Attorney General Nicholas Katzenbach, contends that what is at stake is academic freedom. "Princeton University is not a shopping center catering to thousands of customers daily," Katzenbach argued. "Its business is not business, but ideas. Its interest, and its constitutionally protected right, is in establishing its own standards for the ideas which may be expressed on its property." Reported in: *Philadelphia Inquirer*, May 19.

### press rights

#### Washington, D.C.

In an important decision for news reporters, the U.S. Court of Appeals for the District of Columbia ruled April 13 that reporters have a right to keep news sources secret when disclosure is demanded in civil cases. In an opinion written by Circuit Judge J. Skelly Wright, the court declared that if the right to keep sources secret "does not prevail in all but the most exceptional cases, its value will be substantially diminished. Unless potential sources are confident that compelled disclosure is unlikely, they will be reluctant to disclose any confidential information to reporters."

The three-judge panel rejected an attempt by alleged underworld figures Anthony T. Zerilli and Michael Polizzi to force reporter Seth Kantor to reveal the source of transcripts leaked to the *Detroit News*. Kantor used the transcripts for a series of articles on organized crime, in which Polizzi and Zerilli were named as mob leaders. The transcripts, prepared by the FBI through the use of listening devices, were sealed at the order of a district court judge. The plaintiffs brought suit against the FBI and the Justice Department alleging their rights were violated when the transcripts were leaked.

Judge Wright suggested three guidelines for weighing a reporter's First Amendment rights against a litigant's right to disclosure: whether the information is crucial to the litigant's case; whether the journalist is party to the suit, as in a libel action; and whether the plaintiff has pursued all alternative means to obtain the information. In denying Zerilli's and Polizzi's appeal, the court cited the third criterion.

The U.S. Supreme Court has never ruled directly on when reporters may keep their sources secret in civil cases. It has ruled, however, that reporters do not have a constitutional right to secrecy in criminal cases. Reported in: *Washington Star*, April 14; *Access Reports/FOI*, April 15.

### student press

#### Naples, Florida

Acting with the approval of a state appeals court, granted in a May 19 decision, journalism students at Naples High School published the school year's final issue of the *Neopolitan Monthly*, a student paper, including an article on abortion that some parents had sought to ban as "amoral." Initially, the parents lodged their objections to the article—the last in a four-part series on teenage sex—with the school board, which rejected their pleas by a 4-1 vote. The leader of the protest, Edward Ruff, scoffed at the argument

that freedom of the press was at stake. "It (the paper) was prepared in government buildings, by government employees under control of the superintendent of schools, who is under the school board," he said. "A government press is not a free press." Reported in: *Philadelphia Inquirer*, May 21.

### Virginia Beach, Virginia

U.S. District Judge J. Calvitt Clarke, Jr. declined April 3 to issue an injunction requiring publication in a Virginia Beach high school newspaper of two articles censored from the paper by the school principal last year. However, the judge ruled that school officials must provide student editors of Green Run High School's *Hoofprints* with written guidelines on what cannot be printed. Principal J. Wylie French had ordered the articles, a survey of student attitudes on premarital sex and a piece on abortion clinics which included an anonymous student's account of her own abortion, taken out of the November 1980 issue of the paper. In the course of the removal, another article and two advertisements, to which the principal voiced no opposition, were also deleted (see *Newsletter*, May 1981, p. 75). The suit filed by the student editors was scheduled to be tried on its merits in late May. Reported in: *Norfolk Virginian-Pilot*, April 4; *Norfolk Ledger-Star*, April 4.

## church and state

### Atlanta, Georgia

A huge illuminated cross placed in Black Rock Mountain State Park by the Rabun County Chamber of Commerce must be removed, U.S. District Judge Horace T. Ward ruled March 26. Although attorneys for the chamber argued that the cross was erected for the secular purpose of promoting tourism, Ward accepted the argument of four Georgia clergymen, supported by the ACLU, that its presence on public land violated the constitutional separation of church and state. Reported in: *Philadelphia Inquirer*, March 28.

## pornography

### Albany, New York

In a 5-2 decision, New York state's highest court ruled May 12 that a 1977 state law making it illegal to produce, promote or sell materials showing children in sexual activity, whether the materials had been adjudged obscene or not, was an unconstitutional abridgement of free expression. The Court of Appeals declared that "on its face the statute would prohibit the

showing of any play or movie in which a child portrays a defined sexual act, real or simulated, in a non-obscene manner. It would also prohibit the sale, showing or distributing of medical or educational materials containing photographs of such acts. In short, the statute would in many, if not all, cases prohibit the promotion of materials which are traditionally entitled to constitutional protection from government interference under the First Amendment."

The court majority dismissed the arguments that the law was a legitimate use of the legislature's power to protect the welfare of children. "The effect on freedom of expression," the court declared, "is the same

### a circuit judge speaks

*Coherent logic has rarely been a hallmark of the censor. But sometimes the way in which logic and tolerance are abandoned surprises even the most jaded observer of the censorship scene. The following is excerpted from a letter to a high school principal in a medium-sized metropolitan area from a state circuit judge concerning a parent complaint against Eldridge Cleaver's Soul on Ice in the school library. The book was eventually reviewed by a faculty committee and retained on the "ask at desk" shelf.*

"... I checked with Dr. X, Dr. X and Mr. X. They are of the opinion that the school principal has complete authority over the books in his library. I am delighted high school principals are getting back some authority . . .

"I have always had great respect for X High School because before we were districted to X my two oldest children received an excellent background there. Both did very well in college and my son got honors everywhere he went . . .

"Therefore, I hate to see these high standards your school used to have in any way degenerate so that the lowest elements can have a common denominator. What society lacks today is not people who are trained for skilled jobs and professional careers. What society needs are people with a sufficient breadth of knowledge to provide them with judgment, perspective and taste—people with a sensitivity for the problems of others and a strong sense of ethical principles.

"The book *Soul on Ice* would seem to have little redeeming social value and I would hope you would quietly some afternoon pluck it and others like it from the shelf and consign it to the trash can where it belongs."

*So much for "judgment, perspective and taste." And so much for due process as well.*



whether the government bluntly seeks to censor what it finds offensive, or more benignly acts to protect the health and welfare of the performers." Noting that the statute does not prohibit sale or promotion of films "in which a child has performed a dangerous stunt or where production required a child to engage in any of the numerous activities which the Legislature in the exercise of its police power has determined dangerous," the court concluded that the provision discriminates against materials "solely on the basis of their content."

Manhattan District Attorney Robert M. Morgenthau said he was "seriously considering" seeking a review of the ruling by the U.S. Supreme Court. Assemblyman Howard L. Lasher (D-Brooklyn), the author of the law, said he would redraw the statute in an effort to meet the court's objections. Twenty-one other states have provisions identical to the New York law, according to the defense lawyer in the case.

The court let stand a section of the law permitting heavier penalties for obscene materials involving children. If it could be proved that materials depicting children were obscene, then the prosecution could seek a felony conviction, with a sentence of up to seven years in prison, rather than the one year under the misdemeanor provision that applies to material involving adults. Reported in: *New York Times*, May 13.

## nudity

### Federal Heights, Colorado

By a 4-3 margin, the Colorado Supreme Court on March 2 struck down a Federal Heights zoning ordinance banning nude dancing in bars. In a case involving Marc's Top Cat lounge, the court ruled that an ordinance governing nude dancing in this Denver suburb violated both the U.S. and Colorado constitutions since it effectively provided no outlet for this constitutionally protected form of expression.

The zoning ordinance in question established authority for an "E-1" district in which nude dancing, massage parlors, and adult bookstores might function freely. The ordinance, however, did not actually establish such a district, but, instead, declared that if voters wanted one, they might establish it through a special election. Thus, the court ruled, "Whether the city will ever have such a district is to be determined by the unbridled and standardless decision of the people. This is absolute censorship pending an election which may never be held. If such election should occur, the ordinance permits continuation of this censorship by a majority vote, the very evil which the First Amendment was adopted to prevent." Reported in: *Rocky Mountain News*, March 3.

### Cleveland, Ohio

The Ohio Supreme Court has upheld a lower court decision which banned a nude beauty contest from Cleveland Music Hall, operated by the city of Cleveland. The "Ms. Nude Ohio Pageant" had been scheduled at the hall for June 25, 1980 by the New Era Burlesk. The court held that the sponsors should have appealed through normal channels after the program was banned by the Cleveland Municipal Court at the request of the city. Reported in: *Variety*, April 1.

## broadcasting

### Atlanta, Georgia

The Supreme Court of Georgia ruled April 8 that the producers of the *Mickey Mouse Club* television show could not be held responsible for a freak accident that left an eleven-year-old boy partially blind after he tried to imitate a trick he saw on the program. In a 6-1 decision, the justices said the First Amendment to the U.S. Constitution protects even possibly irresponsible expression, unless the speech creates "a clear and present danger." Reported in: *Atlanta Constitution*, April 9.

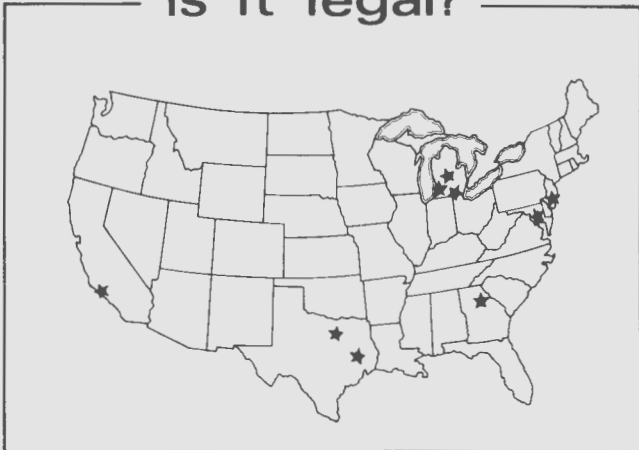
### Atlanta, Georgia

Ted Turner's Cable News Network has filed an antitrust suit in federal court in Atlanta against President Reagan, White House staff members, and the three major television networks over alleged "predatory and illegal practices" in the pooling of television news coverage of events involving the President. At a May 11 Washington news conference, Turner complained that "for at least fifteen years, ABC, CBS and NBC have been the principal participants in the market for the production of TV news programming and they enjoyed a monopoly over this market. Our efforts to break this monopoly outside the legal process have been fruitless and now we are forced to take this action." Reese Schonfeld, who heads the cable operation, said the White House announced two months ago that there would be no room for cable news cameras in the television pool. He also said that ABC and NBC were preventing cable crews from taking turns as the primary pool crew when only one camera was allowed near the President. Reported in: *Wall Street Journal*, May 12.

### Salt Lake City, Utah

Home Box Office, Inc. and four Utah cable television companies filed suit May 1 against a new state  
(Continued on page 108)

## is it legal?



### freedom of information

#### Washington, D.C.

In a May 4 memorandum to the heads of Federal agencies and departments, U.S. Attorney General William French Smith announced a major change in the way the Justice Department would respond to suits requesting information and files under the Freedom of Information Act. The change is the first step in a formal review of the Act and its implementation by the Reagan Administration.

Smith stated that the new policy was to defend against all suits challenging an agency's decision to withhold information unless it was determined that an agency's refusal lacked a substantial legal basis or that a defense could adversely affect the ability of other agencies to protect records. The specific procedural change revokes the requirement, established by Attorney General Griffin B. Bell in 1977, that agencies seeking to withhold requested information must show that disclosure would be "demonstrably harmful" to the government.

Under the law, which was enacted in 1966 and amended in 1974, agencies may withhold information that meets conditions detailed in nine exemptions. Bell's guidelines constituted an additional test, aimed at encouraging disclosure and reducing the number of lawsuits. The Justice Department defends federal agencies when such suits are filed.

Civil liberties advocates were quick to criticize the new procedures and accused Smith of encouraging agencies to resist requests for information. Jack Landau, director of the Reporters' Committee for Freedom of the Press, said the memorandum "stands in opposition to the whole Congressional thrust of the law and the underlying principles that the public is entitled to know as much as possible about how the Government

operates." Said John Shattuck, director of the national legislative office of the ACLU, "This is certainly not an open government move. This makes the act itself more important than ever. We will look skeptically at proposals to change the actual language of the statute."

In his memorandum, Smith also revealed that he was soliciting legislative proposals to change the Act itself. Agencies were given less than two weeks to respond. Because of the law, he argued, "foreign intelligence services are more reluctant to share information with U.S. intelligence agencies. Companies are reluctant to provide valuable information to the government, and other impediments to effective government are created."

In response to Smith's announcement, Rep. Fortney H. Stark (D-California) immediately introduced legislation (H.R. 3412) that would block the new procedures by writing into law the Carter Administration policies which they revoked. Sen. Orrin G. Hatch (R-Utah), who chairs the Subcommittee on the Constitution which will hear testimony on Freedom of Information legislation late this summer, has submitted a bill (S. 587) which would limit to one per year the number of requests any individual could make in a subject area and limits use of the Act to U.S. citizens. Reported in: *New York Times*, May 4, 5; *Access Reports/FOI*, May 13.

### humanism

#### Fort Worth, Texas

A decision by officials in the Hurst-Euless-Bedford school district near Fort Worth to screen the controversial right-wing and Christian fundamentalist film, *Let Their Eyes Be Opened: Humanism*, distributed by the Christian Broadcasting Network, Inc., to all teachers and administrators as well as to parents in the district, has prompted protest from some parents and the Fort Worth Civil Liberties Union. "I think if there were a proper complainant—a teacher, a patron, a parent—that a lawsuit would be a proper means for dealing with the situation," said attorney Don Jackson of the FWCLU. "The ACLU stands for intellectual freedom and the full and fair discussion of all points of view and, therefore, it is important to be especially sensitive to the problems created when a school system selects and promotes a single point of view."

School Superintendent Forrest E. Watson said he decided to show the film to initiate a dialogue about humanism and prevent what he called a "witch hunt" for humanists. But school board member Judy Faurot said the film seems to have caused, rather than pre-

vented, a purging of "humanists" in the district. "I don't like lawsuits, but they may have a point," Faurot declared. "I think the separation of church and state is necessary and vital." Reported in: *Fort Worth Star-Telegram*, March 17.

## political rights

### Hillsdale and Kalamazoo, Michigan

Ex-Nazi and self-avowed racist Gerald R. Carlson, one of eleven candidates in the special election to fill the Congressional seat of Budget Director David Stockman, was denied participation and ejected from the podium at a candidates' forum in Hillsdale March 3. Carlson was removed from the hall by four Hillsdale College football players after seizing the microphone to denounce the meeting's organizers for using "Gestapo-like tactics" in denying his right to speak.

Carlson was successful, however, in getting several virulently racist and anti-semitic advertisements broadcast on a Kalamazoo television station, WKZO. The station aired a disclaimer along with the ads, pointing out that the station was required by law to air political advertising. Milton Gross, chief of the Federal Communications Commission's political broadcast office, said, "If (the candidate's) voice or picture is on a spot, then the station has no choice but to run the ad as submitted." Gross said a station "might" be allowed to censor an ad if the material created a "clear and present danger" of violent actions. But in virtually all cases, he added, stations cannot "interfere with the free speech of political candidates." Reported in: *Detroit News*, March 4; *Grand Rapids Press*, March 11.

## press rights

### Millville, New Jersey

An interview with a drug dealer on the front page of the Millville Senior High School newspaper, *The Tattler*, disclosing the sale of drugs to high school and elementary students in Millville, has sparked an intriguing press law controversy. Shortly after the article appeared, Larry Miller, the school's principal, and Jack Lee, the newspaper's faculty adviser, were summoned before a Cumberland County grand jury. They declined to identify the author of the article, which had been published with no byline. Only Mr. Lee has admitted even knowing who the student author is, and, according to Lee, the student is a juvenile.

The case raises First Amendment issues about the right of a student newspaper not to reveal its sources, as well as questions about the rights of juvenile reporters to anonymity. New Jersey has one of the strongest "shield" laws in the country, protecting

reporters from revealing sources. But, according to Marvin M. Wodlinger, attorney for the Board of Education who is representing Miller and Lee, it will be up to the court to interpret the extent of that statute's application to the student paper. "There is every reason that the shield law should apply," Wodlinger said. "There could not have been a story, absent a promise not to reveal the source's name. Surely there have to be at least fifty students who know who that pusher is." Reported in: *New York Times*, March 26.

### San Juan, Puerto Rico

A bill mandating the compulsory licensing of journalists was introduced in the Puerto Rican Senate March 12. The proposal would create a College of Journalists to which all the island's newsmen must belong or face fines or imprisonment. The college would serve as a professional group that would accredit journalists and provide for continuing education and the protection of journalists' rights. Although similar measures have been introduced in the past and won little support, many journalists and legislators believe that for the first time there is a growing feeling that licensing may be necessary.

Tomas Stella, a member of the board of the Association of Journalists, said that reporters' interest in setting up a compulsory college arises from low wages and intense competition for jobs, particularly among the radio station reporters, who often earn less than \$100 a week. Editorials in two of the island's newspapers, *El Mundo* and *The San Juan Star*, have denounced the bill. Compulsory licensing of journalists is generally considered unconstitutional in the United States, but is enforced by law in seven Latin American countries. Reported in: *New York Times*, April 8.

## church and state

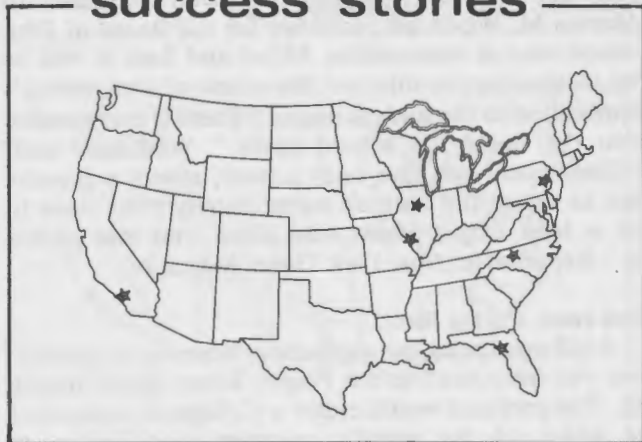
### Holly, Michigan

In response to a threatened lawsuit by the ACLU, the Gideon Society has abandoned its plans to distribute free Bibles in the Holly schools near Flint at the invitation of the Holly school board. Copies of the New Testament had been distributed by the society to fifth-graders and graduating seniors in Holly schools for nearly ten years. Harold Förd, of the ACLU Greater Flint Branch, said the Gideons' practice of handing out Bibles in Flint-area schools is "widespread, pervasive and illegal. We're looking for some sort of a legal precedent so we don't have to keep putting out brush fires around the state." Reported in: *Flint Journal*, April 29.

(Continued on page 109)



## success stories



### libraries

#### Tampa, Florida

*Where Did I Come From?*, by Peter Mayle, and five other sex education books for children will remain in the stacks of the children's section at the Tampa Public Library, Library Director Leo H. Meirose announced March 26. The books had been challenged by Hillsborough County Commissioner Jerry Bowmer who requested that they be removed from the library or at least kept from children (see *Newsletter*, May 1981, p. 65). A recommendation to retain the books on open shelves was made by a review committee, endorsed by Director Meirose, and approved by the joint city-county library board.

In addition to *Where Did I Come From?*, which was the title of greatest controversy, the other books were *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 Tribune*, March 27.

#### La Mesa, California

*Our Bodies, Ourselves*, the controversial feminist health manual recently the subject of a national mailing by Moral Majority leader Jerry Falwell, will remain in the high school libraries of the Grossmont Union High School District in suburban San Diego. Endorsing the recommendation of an advisory committee, district school superintendent Robert Pyle ruled "this book is not pornographic. Its language is very explicit, and its illustrations are graphic, but it is not pornographic because it is not the intent of this book to appeal to anyone's prurient interest." The book had been challenged

by a mother of former high school students who objected to the specific and graphic sex information the book offers young women. According to Pyle, the complaint was not prompted by the Falwell letter.

The book will remain in reserve status at four high school libraries in the district. It had been temporarily removed from the shelves pending the report of the advisory committee and the superintendent's ruling. Pyle said the restricted status is designed solely to prevent "frivolous" use of the book. Other titles, including several on auto mechanics, are also held on the reserve shelves, he noted.

"Not everyone may agree with this book's point of view," Pyle commented, "but it is the purpose of a library to offer many points of view. We have many books that express an anti-feminist point of view readily available to students. There are also books that express the Christian views on sex and morality. I had the librarians prepare a bibliography so I know we offer our students books with a wide variety of viewpoints." Reported in: *San Diego Union*, April 7; *Daily Californian*, April 6.

#### Edwardsville, Illinois

The Edwardsville Board of Education voted unanimously March 9 to keep Sylvia Plath's *The Bell Jar* on the shelves of the Edwardsville High School library. Three hundred Edwardsville residents had signed petitions against the book, claiming that it contains sexual material and advocates an "objectionable" philosophy of life. The board, however, supported recommendations from its citizens committee and from school superintendent Roy Olive that the title be retained.

Meanwhile, a recommendation by the president of the Edwardsville Library Board that the *National Lampoon*, a satirical magazine, be removed from the Edwardsville Public Library also failed to win support at a board meeting the same evening. Board president J.J. DeRousse said he objected to the magazine's comic treatment of sex. Other board members said the library's responsibility was to provide a variety of materials and noted that the board had already adopted standards which include philosophical objections to censorship. DeRousse was also a signatory of the petition against *The Bell Jar*. Reported in: *St. Louis Post-Dispatch*, March 11.

### schools

#### Princeton, Illinois

A Bureau County farmer and ten other parents who joined his protest against the use of Ken Kesey's *One Flew Over the Cuckoo's Nest*, Arthur Miller's *Death of a Salesman*, and John Knowles' *A Separate Peace* in the

English curriculum at Princeton High School are apparently satisfied with a compromise reached by the school board. All of the books objected to will continue to be taught as they were before but if a student or parent objects to a specific book, an alternate title will be assigned.

"I asked that *Cuckoo's Nest* be completely removed from the reading list, and it wasn't," William Fordham, the original complainant, commented. "But I think the main goal has been reached. If my children find something offensive, there will be a written policy saying they don't have to read it." Fordham had complained that the books used vulgar language and had sexual implications. "Just because these books have been determined to be literary classics, does that make them right?" he asked. "The masses have determined them to be literary classics, and the masses are always wrong. Always. I don't have a right to tell anybody what they can't read, but you can't tell me what I have to read. I don't mind my children being exposed to realities of life, but it can be done on a higher level." Reported in: *Peoria Journal Star*, April 26.

#### **Buncombe County, North Carolina**

The first round in the continuing controversy over the selection and assignment of books for Buncombe County students was settled May 6 when a media selection committee at Owen High School adopted by unanimous vote a statement supporting classroom use of the novel *Lord of the Flies*, the target of an April 29 complaint by the mother of a ninth grade student. The complaint was the first formal request for reconsideration of instructional or library materials to be submitted since the start of a "concerned parents" movement in the county in January (see *Newsletter*, May 1981, p. 74). Parent Joyce Craig of Swannanoa had called the book "demoralizing in as much as it implies that man is little more than an animal."

The review committee, made up of Owen High department heads, school librarian Betty Davis and Owen advisory council chair Max Price, called the book "appropriate reading for Owen High School students" but cautioned teachers to "review the book for the proper reading, emotional, ability and maturity level of the class before assigning it to any student." Reported in: *Asheville Citizen*, May 7.

**etc.**

#### **Philadelphia, Pennsylvania**

A University of Pennsylvania student newspaper columnist will not be prosecuted for stating in the school's daily paper April 1 that he wishes President Reagan would die from his bullet wound, the Secret Service announced April 6. The column, by Dominic

Manno, also praised accused assassin John Hinckley as "someone who could get upset and angry enough about the political system to use a bullet to cancel out the ballot." According to Secret Service agent Kevin Tucker, "the U.S. attorney declined prosecution," since the investigation showed that Manno, writer of a weekly column in the *Daily Pennsylvanian*, "did not advocate violence." Reported in: *Philadelphia Inquirer*, April 7.

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*(In review . . . from page 90)*

writing about intellectual freedom and libraries which deserves to be preserved in some permanent form. Oboler's efforts over the years to maintain an awareness of everything that is happening in this arena and his willingness to make the effort to comment upon those events, the impressive scholarship that he brings to bear in his best treatments of the issues, his habit of citing an astonishing variety of relevant material, much of it from beyond the conventional literature of the subject, all these qualities share in making the work a valuable source book which documents the continuing struggle to preserve and extend the commitment of librarians to freedom of thought and expression in our society.

The nature of the matters being discussed is such that what Oboler has to say about them more often than not remains fresh and true today, as the pendulum of personal rights seemingly begins to swing again in the direction of greater repression. This reviewer will testify that there are additional lessons to be learned from the contents of this book by one who has read much of the material as it first appeared. It will surely provide at least as much enlightenment to a new generation of librarians who may badly need the insights that it has to offer.—Reviewed by Jerald Nelson, *University of Washington*.

(Censorship dateline . . . from page 96)

#### Seattle, Washington

Charges of both censorship and sexism were hurled when two photographs were removed after several days on show from an exhibit of works by photo artist Fredericka Foster at the Seward Park Art Studio in Seattle. The two shots were full frontal nude portraits—of men. Several other full nude photos of women were left in the exhibit. Hank Ivan, program coordinator for City Art Works, which manages the public facility, explained: "We hadn't actually gotten any complaints, but we felt we were in line for them. We had comments from some people who wandered in from the park to see the show. That was not the reason they were removed, however. We were afraid someone would write a letter to the Parks Department, demanding to know what their tax dollars were doing supporting a show of pornography in a public park." Ivan denied the gender of the model had anything to do with determining which photos were objectionable. Reported in: *Seattle Times*, March 24.

#### Madison, Wisconsin

A twenty-page book of original verse and lithographs was removed from display March 19 at the University of Wisconsin Humanities Building in response to complaints that it was offensive and demeaning to women. John Palmer, dean of the School of Education, cited recently approved rules prohibiting sexual harassment when ordering the art removed.

The display by student-artist Kevin Kennedy had been controversial within the Art Department; it was placed behind a glass enclosure in the building in late February. Kennedy's prints include a drawing portraying sexual intercourse and a frontal view of a nude woman smiling and in bondage, with her legs spread, accompanied by verse some interpreted as suggestive of violence. Palmer said complaints about the display only came to his attention after the *Feminist Connection*, a Madison newspaper, urged readers to protest to university officials.

Annie Laurie Gaylor, editor of the newspaper, said the display was threatening to women. "If he wants to peddle it on 42nd Street, that's fine, but for the university to put it in public view promotes his work and reinforces his notions," she argued. "Nobody was objecting to the nudity. It was the violence. It's not censorship."

Kennedy disagreed. The work, he explained, was an honest attempt to portray his recent experiences on a trip to California. "It deals with certain parts of society that are demeaning to men and women. I am

trying to confront my experience," he concluded. Reported in: *Madison Capital Times*, March 20; *Milwaukee Journal*, March 21.

#### Milwaukee, Wisconsin

Milwaukee artist Alicia Czechowski removed her exhibition of twenty-two pastel drawings from the Lincoln Center for the Arts in Milwaukee April 16, after she learned that a Milwaukee Public Schools official had taped over six of the works with brown wrapping paper because they depicted nude or partially nude figures. The official apparently received complaints that elementary school children could see the nudes as they passed through a gallery on their way to a Milwaukee Opera Company children's production. The Lincoln Center is a converted high school building in which seventeen artists and art organizations receive rent-free quarters in exchange for periodic shows, workshops, and training for students and teachers. Ms. Czechowski complained that the taping endangered the very delicate pastel colors. Reported in: *Milwaukee Journal*, April 17.

### homosexuality

#### Little Rock, Arkansas

Susan Lohstoeter, a junior at the University of Arkansas at Little Rock and a member of the Arkansas Moral Majority, announced February 26 that she had collected 250 signatures on a petition opposing a course on homosexuality taught in the UALR Student Government Association's Open University Program. She decided, however, to take no further action unless the class was rescheduled after the current semester. The Open University program has no direct connection with the university, but uses university classrooms. Miss Lohstoeter said she is opposed to homosexuality and fears that allowing the course on the campus will help homosexual teachings spread. She indicated she had intended to get a group together to go to the class "and refute everything he has to say," but decided her group didn't know enough about homosexuality to raise opposing arguments. Reported in: *Arkansas Gazette*, February 27.

#### San Francisco, California

Worshippers arriving at Easter Mass at St. Mary's Cathedral in San Francisco April 19 were met by some seventy demonstrators protesting cancellation by the Catholic Archdiocese of a concert by the San Francisco Gay Men's Chorus. The group's performance had been scheduled for April 25 at the University of San Francisco's St. Ignatius Church, and had the approval of priests there. It was called off in early April, however,



after Archbishop John Quinn ruled that allowing the chorus to sing would make it seem as if the church condoned homosexuality. The chorus then unsuccessfully sought a court order forcing the church to go ahead with the concert, arguing the cancellation was a breach of contract. The performance was eventually moved to Trinity Episcopal Church and held on schedule. Among placards carried by the St. Mary's demonstrators was one reading, "Gosh, we just want to sing, you guys!" Reported in: *San Francisco Chronicle*, April 20.

#### Chicago, Illinois

A workshop on "Homosexuality and the Hurting Family," conducted by the Rev. Robert Nugent, a Catholic priest, and Sister Jeannine Gramick, a Catholic nun, both of whom are associated with the New Ways Ministry, a Catholic center for homosexuals in Maryland, was finally held June 9 at the Trinity Episcopal Church in Chicago. It had been banned at two other Chicago churches on the initiative of Archbishop Cardinal John Cody.

The workshop was originally scheduled to be held at St. Clements Catholic Church on the city's North Side. After Cody forbade it, the organizers sought sanctuary at Grace Episcopal Church. But Episcopal Bishop James Montgomery suggested that, in deference to Cody's rejection, the workshop not be held there. The Rev. Henri A. Stines, church rector at Trinity, declined to follow Montgomery's recommendation. Nugent said the workshops provide information on how families with a homosexual member should deal with the situation. Reported in: *Chicago Sun-Times*, May 1, 7.

#### Cincinnati, Ohio

Radio show host John Zeh, recently indicted on charges of distributing material harmful to juveniles because he discussed sexual lubricants for homosexuals on the air (see *Newsletter*, May 1981, p. 81), has been fired from his job as managing editor of *Colonel Covington's Chronicle* in northern Kentucky. The delegate council of the Covington Neighborhood Action Coalition, which publishes the *Chronicle*, voted 16-14, February 25, to uphold Zeh's dismissal by director Phyllis Short. Short explained that Zeh was fired for engaging in outside employment, not informing his superiors of the possibility of criminal indictments, and because the content of his "Gaydreams" radio show reflected negatively on the newspaper. "The bottom line was that I was fired because the show was about homosexuality," Zeh charged. Reported in: *Cincinnati Post*, February 26.

## "devil music"

#### Keokuk, Iowa

About 100 members of the Assembly of God Church in Keokuk destroyed some 800 45 rpm records, 80 record albums, and 30 eight-track and cassette tapes March 1. The action was taken in response to a program on "What the Devil is Wrong with Rock Music," presented several days earlier at a Keokuk high school by the Peters brothers, two Minnesota ministers who have been crusading against what they call "devil music." But in Keokuk there were few, if any, Rock records among those destroyed. Instead, the church members lashed out at such mainstream "easy listening" singers as Perry Como, the Carpenters, John Denver, Neil Sedaka, and Anne Murray. Apparently, the congregation is not a very youthful one, and nary a member could find even a single Kiss, Led Zeppelin, or Rolling Stones record in their collections. The Rev. Richard Dube said the record smashing was an "individual thing. Anything that would inhibit growth as a Christian—they'll destroy it." Also sent up in flames were several books, including *The Amityville Horror*, by Jay Anson. Reported in: *Des Moines Register*, March 3.

#### Gastonia, North Carolina

A new twist has been added to the minor epidemic of ritual burnings of Rock music record album jackets, currently sweeping churches and church schools in the Midwest and South. Along with Elvis Presley and Willie Nelson, about 150 students at the Temple Christian School in Gastonia burned copies of *The Living Bible*. A new and modernized translation of the scriptures, *The Living Bible* has been criticized by fundamentalists as a dangerous corruption of the word of God. School principal Ed Deneve call the book "a perverted commentary of the King James Version. It's basically somebody's paraphrases."

Deneve also argued that Rock music "appeals to the flesh" and forces students into immoral activities. "It causes alcohol and drug problems. It all leads to that, and Rock 'n' Roll is the starter." In addition to records, tapes and bibles, the students burned T-shirts and posters promoting popular music heroes. Reported in: *Raleigh News and Observer*, May 10.

#### etc.

#### Washington, D.C.

An article declaring that "Vietnam was a bum war, fought by lifers in response to the call to serve and by draftees who didn't have the credentials or connections

to avoid it," and which scathingly attacks the proposed memorial for American soldiers who died in Vietnam, is hardly a piece one would expect to find in an official publication of the U.S. Army. But Colonel James Revels, chief public information officer of the Washington Military District and supervisor of the *Pentagram News*, thought the anonymous writer deserved a forum. When the article appeared, however, Revels was summarily dismissed from his post. "Col. Revels no longer had the confidence of the commander," an Army spokesman announced. Revels told the Associated Press the article was written by an enlisted man on his staff. While it did "not necessarily" reflect his own views, "freedom of speech should not be stifled," he said. Reported in: *Washington Star*, May 16.

#### Washington, D.C.

Thorne Auchter, the new chief of the Occupational Safety and Health Administration, has ordered the destruction of more than 100,000 booklets on cotton dust pollution and is holding up distribution of films and slides on other occupational health issues on the grounds they are anti-business, an OSHA spokesperson said March 26. Auchter ordered the booklets destroyed because he found them "offensive," agency representative James Foster explained. He concluded that the cover photograph, which shows a gravely ill worker—who eventually died—"makes a statement that is obviously favorable to one side," Foster said. The booklet and an accompanying poster of the cover photo were withdrawn from OSHA field offices and a hold was also placed on three films and two slide presentations on the history of occupational safety and health in the United States, workers' rights under the Occupational Safety and Health Act, and the dangers of cotton dust and acrylonitrile, all of which had been targets of industry complaints.

Glen Pearcy, who supervised preparation of the materials during his term as director of OSHA's Office of Information and Consumer Affairs, denied charges that the materials were "designed to create a climate against employers. I bent over backwards to see that the films I produced are not biased." Margaret Seminario of the AFL-CIO called Auchter's actions a "startling and shocking example of censorship." Reported in: *Minneapolis Tribune*, March 27.

#### Baltimore, Maryland

Officials of the Maryland Science Center museum in mid-April dropped plans to present a new play, *Meltdown*, which the drama's university-based authors say accurately describes the nuclear power accident at Three Mile Island. "It's a good play. I like it, but it's an advocacy play. The science center is not an

appropriate place for it," said Owen Phillips, president of the Maryland Academy of Science, which runs the museum. Center officials had originally agreed to present the play in May.

The playwrights, Robert Kargon, a professor of the history of science at Johns Hopkins University, and Ivan Kramer, a physicist associated with the University of Maryland, claim the center was simply "backing away from any kind of controversy." The play, they claim, is based on published reports of the Nuclear Regulatory Commission. "They think they are censoring a piece of controversial fiction," Kramer stated, "when they are censoring a piece of controversial fact." Kramer charged the controversy began after a museum official told him the center had an exhibit from Baltimore Gas and Electric Company and wanted to see the *Meltdown* script "in case they got any flak" from the utility. Baltimore Gas and Electric runs the state's only nuclear power plant. Center director James Backstrom denied the decision was prompted by concern for relations with the utility. Reported in: *Philadelphia Inquirer*, April 14.

## foreign

#### Sydney, Australia

In the wake of the assassination attempt against President Reagan, the Australian Broadcasting Tribunal banned a television showing of the film *Taxi Driver*, which allegedly inspired accused gunman John W. Hinckley's bizarre effort to shoot the president and thereby supposedly gain favor with actress Jodie Foster. The tribunal chairman declared that "it has to be a possibility that the film may encourage other people to adopt the attitude of the anti-hero in *Taxi Driver*." Reported in: *Washington Post*, April 4; *Variety*, April 8.

#### Sydney, Australia

The South Australian State Censorship Board has banned Warner Bros.' *The Exterminator*, even though the film received an R certificate from the Commonwealth Film Censor. It is the second time in recent years that South Australia has banned a certified film. The last time was when *Sweet Sweetback's Badass Song* was pulled from the 1980 Adelaide Film Festival, prompting the resignations of festival officials and the temporary closure of the festival (see *Newsletter*, March 1981, p. 46). Reported in: *Variety*, April 15.

#### Ontario, Canada

Officials of the fourth annual Canadian Images film festival in Peterborough, Ontario, in defiance of a ruling by the Ontario Censor Board, screened in full

a ten-minute experimental movie March 31 that the censors claim violates the Canadian criminal code, prompting provincial authorities to file charges. The film, *And Now A Message From Our Sponsor*, was made by Vancouver filmmaker Al Razutis and includes brief scenes of oral sex. It had previously toured Canada in a package of several experimental short films and was banned only in Saskatchewan (see *Newsletter*, May 1981, p. 79).

Under Ontario's Theatres Act, violation of board rulings are punishable by up to \$2,000 in fines and a year's imprisonment. Union projectionists can also be fined if they are involved in the screening of disapproved films, but the Razutis picture was shown by a non-union projectionist at the festival. "This is a direct challenge to government legislation that can't be ignored," said Censor Board chief Mary Brown. "I guess it's a test case."

The movie had been shown previously at the annual John Grierson film seminar at Niagara-On-The-Lake, a private session for film librarians, teachers of film, and filmmakers, without the censor's approval. Festival organizers argue that there should be no difference between a showing like that and one where tickets are available to the public.

In a related development, the Ontario board banned a Quebec-made feature, *Vie D'Ange*, about a man and a woman who sexually couple and get stuck in that position until they realize they are in love. In addition, the board announced that all of more than two hundred entries to the annual Toronto Super 8 Film Festival would have to be submitted for approval. In the past, only those films considered by festival officials to be potentially controversial were targeted for review. In the wake of the *Sponsor* case, however, Brown announced that she would now "go by the book." Reported in: *Variety*, April 1, May 13.

#### **London, England**

Concern has been aroused among civil libertarians over the arrest and conviction of a man for playing pornographic video cassettes in his own home. The defendant was fined \$655 by a Welsh court. His prosecution apparently was based on violation of postal laws, but the raid on his home seemed to many an invasion of privacy of the most extreme sort. Reported in: *Variety*, April 22.

#### **Paris, France**

Marc Boureau's fiction feature film about the revival of French fascism, *Happening*, judged a "menace" to public order and totally banned by government decree after it was shot in 1967, finally made its debut in Paris May 20. The ban was lifted after a local distributor

bought the rights to the film and requested a new viewing in light of the 1974 abolition of political censorship criteria by now-outgoing president Giscard d'Estaing. Reported in: *Variety*, May 20.

#### **Athens, Greece**

Charges that censorship restrictions on motion pictures have become far too stringent are being voiced increasingly in the Greek press. Concern is mounting especially that political themes are being banned as well as sexual activity. One Greek film, *The Junta on Trial*, was denied approval on the grounds that "it stirs political passions." A Greek political satire, *Agries Kotes* (Wild Chicken), was screened only after protests appeared in the press and cuts were made. The U.S.-Canadian release, *Atlantic City*, was rejected by the censors but got a release license when the distributor agreed to edit out offending portions. Finally, in Athens, six theatre managers were sentenced to four months imprisonment and fines after police raided showings of the French soft core feature *Emmanuelle*, originally confiscated in Athens in 1975. Reported in: *Variety*, May 6, 13.

#### **Hong Kong**

*The Coldest Winter in Peking*, a propagandistic epic drama produced by Taiwan's state-owned Central Motion Picture Corp., was approved for exhibition in Hong Kong by the censors but then banned from public screening after just a day's showing. The film's distributor charged the decision was a product of pressures exerted by the mainland Chinese government and by influential left-wing authorities in Hong Kong. The film is a fictional treatment of life in China during the Cultural Revolution period of 1966-76. According to Pierre Lebrun, chief film censor, it was passed initially as "an entertainment drama based on historical facts" but was now seen to contain exaggerated propaganda messages, thus falling within a category normally banned in Hong Kong. Reported in: *Variety*, April 22.

#### **Warsaw, Poland**

As part of reforms promised by the government after last year's worker unrest, a Polish parliamentary commission has drawn up proposals for changing the country's censorship laws. The Polish Workers Party newspaper, *Trybuna Ludu*, said the new law would "guarantee freedom of speech and print." The proposals were said, however, to favor continuing censorship of "calls to overthrow the constitutional system" and of material that disturbs Poland's relations with its allies, which is often taken to mean any criticism



of the Soviet Union or of Soviet policies. Reported in: *Chicago Sun-Times*, May 27.

#### **Singapore**

Singapore's newly appointed Minister for Culture has indicated in Parliament that present stringent censorship criteria for films and videotapes are being reviewed "in the light of the population now being more discriminate." The guidelines are mainly to check violence and obscenity but also cover "homosexuality, incest, free love and other demoralizing themes. Such will continue to be strictly dealt with," the Minister declared. "We will continue to follow a fairly conservative policy." Reported in: *Variety*, April 15.

#### **Seville, Spain**

A documentary film about the annual *romeria*, or religious pilgrimage, in the southern Andalusian town of Almonte, which draws tens of thousands of people each year, has been banned from showing in the Andalusian provinces of Huelva, Seville, and Cadiz. The ban was decreed by a Seville judge after a right wing politician, Jose Maria Reales Cala, complained that it "gravely insults and ridicules the Catholic religion." Initially, the court ordered the seizure of all copies of the film in Spain. The documentary, entitled *Rocio*, recounts the revival of the *romeria* in the 1930s and maintains that the upper classes used it to steer popular enthusiasm away from the rising leftist tide of the Second Republic. Centered on the veneration of a carved wooden image of the Virgin Mary, the festival, like many in the south of Spain, is a wild mixture of unchecked religious passion and drunken revelry.

The film also recounts the mass killings of leftists that broke out in Almonte at the start of the Civil War in 1936. While rejecting the argument that *Rocio* insulted the church, the judge found that by suggesting that Reales Cala's father had instigated the murders, the film insults the family's honor. "The memory of the Civil War is so strong," he wrote, "that one cannot consider its events as belonging to history."

The picture's director and script writer must present themselves twice a month at the Seville court until an appeal is decided, and they are obliged to put up bond equivalent to \$57,000. Reported in: *New York Times*, May 3.

#### **Bonn, West Germany**

The West German government has announced that it is preparing wide-ranging anti-Nazi legislation which would ban both the publication of new Nazi propaganda and old Nazi literature circulated as historical material. Among the works to be proscribed is Adolf Hitler's infamous *Mein Kampf*. According to Justice

Minister Juergen Schmude, the proposed legislation also would subject to prosecution anyone who spreads statements that reports of the Nazi extermination of Jews are false. Reported in: *Baltimore News-American*, April 22.

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(From the bench . . . from page 99)

"decency" law which would ban many programs from the cables. The suit contends the Utah law violates the First and Fourteenth Amendments to the U.S. Constitution and asks that local authorities be enjoined from enforcing it. The new law, signed on March 30 by Governor Scott M. Matheson and effective May 11, covers only cable television. It prohibits Utah cable systems from carrying "pornographic or indecent material." The complaint argues that the legislature's definition of "indecent material" covers expression that is neither obscene nor otherwise subject to penalty under the Constitution. In a statement issued in New York, James O. Heyworth, president of Home Box Office, Inc., said: "The philosophy inherent in this law poses a threat not only to Pay TV but to all forms of modern broadband communications. It subjects us and our employees to criminal prosecution for the transmission of programs—including those of local TV stations—that contain even the most remote, incidental and occasional bits of contemporary entertainment some may find objectionable." Reported in: *Salt Lake Tribune*, May 2.

#### **prisoners rights**

##### **Marquette Branch, Michigan**

A U.S. District Court Judge has upheld a Marquette Branch Prison rule which prevented a prison inmate from hanging nude pictures of his wife in his cell. The inmate alleged his civil rights were violated by officials who seized the photographs. Inmates are permitted to display nude pictures of women with whom they are not personally acquainted, but the prison bans such photos of those "near and dear" to a prisoner because there could be fights if the photos are stolen, according to a prison spokesperson. In his April 17 ruling, Judge Wendell A. Miles said, "The court is not unsympathetic with the plaintiff's desire to keep the two photographs. On the other hand, the prison policy banning such photographs is understandable." Reported in: *Washington Star*, April 19.

##### **Columbus, Ohio**

On February 23, U.S. District Judge Robert M. Duncan ordered the state of Ohio to end a nearly

five-year ban on *Hustler* magazine in the state prisons. Duncan ruled that state officials must hold a hearing to listen to inmates who wish to receive the publication and should submit the question for reconsideration to the Publications Screening Committee of the Ohio Department of Rehabilitation and Correction. The state must also permit a neutral party to make a final decision on the matter.

Duncan allowed that censorship of prisoner mail is justified under certain circumstances. In the case of *Hustler*, however, the state did not handle such censorship according to its own administrative regulations and did not follow its own regulations in determining that the magazine is obscene. Inmates at the Chillicothe Correctional Institute claimed in a complaint three years ago that state officials had not permitted them to either subscribe to or to read *Hustler* since May 1976. Reported in: *Columbus Dispatch*, February 24.

## confidentiality

### Topeka, Kansas

A Shawnee County District Court judge declared April 3 that state records naming physicians who perform abortions do not have to be publicly disclosed under the Kansas Open Records Law. Judge Fred Jackson made the ruling on a lawsuit filed by the state attorney general's office on behalf of Patricia Goodson, lobbyist for Right to Life of Kansas, Inc. Goodson was denied access to state Medicaid records listing physicians who performed publicly financed abortions. Jackson said the records were confidential under the law and thus exempt from disclosure. Reported in: *Topeka Capital-Journal*, April 4.

## from the student bench

### Tempe, Arizona

An Arizona State University student court has ruled unconstitutional a ban on X-rated movies in a film series sponsored by the student government. In a unanimous decision, the Associated Students Supreme Court ruled February 23 that the ban violated students' First and Fourteenth Amendment rights to free speech and due process.

After student groups protested the showing of *Deep Throat* in 1979, the Executive Committee of the Associated Students of ASU refused to permit the director of the film series to submit X-rated films for committee consideration. The court ruled the committee must draw up specific guidelines to determine whether a movie is appropriate for campus viewing. Reported in: *Phoenix Republic*, February 24.

(Is it legal? . . . from page 101)

## libel

### Houston, Texas

The Houston Police Officers Association filed suit April 3 in state district court against the unknown producers and distributors of a phonograph record which the officers claim defames and libels Houston police. In a variation of the Houston Police Department's theme, "The Badge Means You Care," the record is entitled "This Badge Means You. . .," with the final word an obscenity. Lyrics of the tune refer to incidents where persons have been shot by Houston police officers or died in their custody. D. Reid Walker, attorney for the plaintiffs, said he had been unable to determine the true identities or to locate any of the defendants. The suit names as defendants Pineapple Records, Mikhail Kalashnikov, Neutron Stu, Raton Pi, Tim Phlegm, James Allstar, Sleepy, and Cannon. Reported in: *Houston Post*, April 4.

## sex education

### Flint, Michigan

A state attorney general's opinion on sex education "will have a dramatic impact" on schools in Michigan. The opinion, issued April 21 by Attorney General Frank J. Kelley, said that sex education cannot be taught as part of any required course, even if students requesting to are allowed to be excused while the subject is discussed. A 1976 state law, which lifted a ban on the mention of birth control in sex education classes, required that such classes be elective. Kelley issued the opinion in a case involving the Flushing School District, near Flint, which had included a unit on sex education in its mandatory eighth grade home economics class. Bettye Lewis of Flushing, who has also been active in an effort to remove allegedly "pornographic" books and sex education materials from the Genesee District Library (see p. 91), had asked that her daughter be excused from not only the sexuality unit—which lasted only a few days—but from the entire course. Reported in: *Flint Journal*, April 23.

## "adult" films

### Hollywood, California

In a stepped-up effort to document allegations that the civil rights of hard core adult filmmakers have been violated since the late 1960s in investigations by the FBI and U.S. postal authorities, the Adult Film Association of America is seeking new disclosures under the

Freedom of Information Act. The AFAA wants declassified records which it suspects may support its claim that the Justice Department has been willfully failing to prosecute adult film piracy while moving vigorously against copyright infringement affecting major commercial film studios. According to AFAA general counsel Joseph Rhine, where Freedom of Information revelations document civil rights violations, civil actions will be filed. These suits will supplement, not supercede, individual civil complaints already filed by twelve individual companies. A U.S. Appeals Court only recently held that hard core films are covered by federal copyright laws, when it let stand a lower court ruling in Texas that the Mitchell Brothers' *Behind the Green Door* was entitled to copyright protection without regard to allegations that the film is obscene (see *Newsletter*, November 1980, p. 133). Reported in: *Variety*, April 8.

### Atlanta, Georgia

It was a sad day for the trench coat set—and, perhaps, for First Amendment rights as well—as Atlanta's last adult movie theater locked its doors at midnight April 1, thus avoiding a confrontation in court the next morning with Fulton County Solicitor Hinson McAuliffe. The closing of the Ellwest Stereo Theater came twenty-four hours after three similar establishments shut down rather than face charges in state court of distributing obscene materials. There are now no adult bookstores or X-rated movie houses in Atlanta or Fulton County. Solicitor McAuliffe had crusaded against the explicit establishments for twelve years, gaining a national reputation as a pornography fighter in the process. His method was to engage in repeated raids and file long series of criminal charges, and then to agree to the dropping of the charges if the establishments closed their doors and stayed closed. In the majority of cases, bookstores and theaters were shut, even though no conviction for the sale or display of obscene materials had been obtained against them. Reported in: *Atlanta Journal*, April 2.

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### ban a book, get one free!

Dell Publishing Co., publisher of the paperback edition of Sol Stein's novel, *The Magician*, has responded in a forthright manner to a recent effort to censor the book. Shortly after the Montello, Wisconsin school board refused to remove the work from the high school curriculum, but while controversy was still raging over the so-far abortive effort of a "Concerned Citizens" group to remove thirty-three other titles from

Montello school libraries (see *Newsletter*, May 1981, pp. 66-67, 73), Dell announced that it was offering a free copy of the \$2.50 Laurel edition of the novel to every family in this southern Wisconsin dairy-farming community. The offer was reported in the local weekly newspaper in a box on the front page, complete with an address to write for a copy. Editors at the paper explained they publicized the offer because they wanted to give readers a chance to judge the book for themselves. According to the "Concerned Citizens," *The Magician* "stimulates youngsters sexually, tells them profanity is commonplace, and how easy it is to do wrong and not be punished." Reported in: *Chicago Tribune*, April 6.

### two announcements from ABC

More than 91% of Americans have never at any time in their lives boycotted a product because of something on television they disliked. That is one finding of a nationwide study commissioned by the American Broadcasting Company to determine "just how much a majority the Moral Majority represents." In a closed-circuit telecast to 1,500 advertising representatives in New York, Chicago, Detroit, and Los Angeles, ABC-TV network president Jim Duffy announced that judging from this random sampling, the "real majority" in this country are totally opposed to organized pressure to deny rights to others. He said the study shows that even of the "small percentage" of respondents who identified themselves as members of the Moral Majority, more than half disagreed with the tactics of economic boycott.

The Moral Majority has joined with some 200 national and local organizations in the Coalition for Better TV, spearheaded by the National Federation for Decency. Coalition head Donald Wildmon has announced plans to organize boycotts of sponsors deemed culpable for sexually and otherwise "offensive" programming by self-appointed TV watchdogs working from a coalition "checklist."

Shortly after Duffy's telecast, the head of ABC's censorship office, Alfred Schneider, announced that the network itself would establish a new "sexual content meter" to assist its censors and supplement the company's already existing "Incident Classification and Analysis" criteria. According to Schneider, violence may be measured by acts of displayed behavior, but sexuality on TV is usually a matter of "verbal innuendo and visual suggestion."

To deal with this problem, ABC has called in psychiatrist Dr. Melvin Heller and sexual behavior experts Dr. Philip and Lorna Sarrell to help set evaluation standards. Out of their study, it is expected, will come a workbook for censors which will set forth



standards of sexual content and perception of such and a "checklist" of values rather than one for identification and counting of incidents. Schneider said he expected the network will be using the method for the 1981-1982 programming season. Reported in: *Variety*, May 6, 13.

## you can't please everyone

As evidence that censorship pressures can arise from the most varied sources and motives, we submit the experience of Oxon Hill, Maryland in Prince George's County. In January, the Oxon Hill Library thought it would be timely to commemorate the life of slain ex-Beatle John Lennon by screening four films starring and about the Beatles, including *Help!*, *Yellow Submarine*, and *Magical Mystery Tour* (the latter two of which have been labeled drug fantasies by some). But a group known as the Prince George's County Network was outraged: "We would like to protest our tax money being used to glorify people who have been known advocates of drug use plus many other activities which the majority of people find abhorrent (sic)," wrote Beth Trotto, spokesperson for the Network, in a letter demanding cancellation of the showing.

Then there was a student mural at John Hanson Junior High School in Oxon Hill, in which a Confederate soldier and a Confederate flag were depicted. It was ordered removed March 31 by Superintendent of Schools Edward J. Feeney. It seems the Prince George's County Educators Association had complained that the images are "anathema to a very substantial part of the student population" and could provoke "animosity" among teachers, students, and parents. While admitting that no other complaints against the mural had been received, and convinced that any offense was purely unintended, the school principal agreed with the superintendent's decision.

One wonders . . . what if the students painted a mural of the Beatles and the library screened *Gone With the Wind*? Reported in: *Prince George's Journal*, January 28; April 2.

## sun sets on Maryland censor board

As of June 30, 1980, the Maryland Film Censor Board, the last such operating panel in the country, ceased to exist. A three-year-old "sunset law" designed to eliminate unnecessary agencies had forced supporters of the panel to approve a law to continue it rather than the other way around. In late March, a proposal to renew the board's lease on life failed in the state Senate by a vote of 25-20.

The Maryland panel had long been dubbed a relic or worse by its detractors, but had survived previous efforts to legislate it out of existence, largely due to its close ties with the South Baltimore Democratic political machine. The board was a useful patronage tool, since part-time inspectors were granted free passes to view films, allegedly to insure that each displayed the board's seal. During 1980, the board screened 559 films, disapproving eight of them. Martha Wright, its vice-chair, complained that the group's demise "will mean an influx of blue movies. It will be like Broadway." Reported in: *Variety*, April 1.

## sex ed foe charged as molester

A forty-six-year-old Tampa, Florida man, president of Taxpaying Parents Against Kiddie Smut, was arrested April 20 and charged with sexual battery against a seventeen-year-old boy and performing lewd and lascivious acts involving an eight-year-old girl, Tampa police reported. The Taxpaying Parents had been very active in an unsuccessful drive led by a County Commissioner to remove six children's sex education books from the Tampa Public Library because they were "pornographic" (see p. 102). The arrested man was photographed at a demonstration against the books, carrying a placard which read "Save Our Kids From Smut." Reported in: *Chicago Sun-Times*, April 24.

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(CIA roundup . . . from page 89)

mation dissemination operation. The admission itself, he ruled, is thus exempt from disclosure.

In a related case, U.S. District Court Judge Oliver Gasch ruled April 28 that the CIA need not divulge the material it censored in 1974 from the book *The CIA and the Cult of Intelligence*, by John Marks and Victor L. Marchetti, two former agents. The book was printed with 168 deletions following a court ruling.

In a suit filed last year, lawyers for the Center for National Security Studies contended that much of the deleted information had become public since the book was printed and that the CIA had failed to cite adequate reasons for withholding the rest. But Gasch rejected the claim, stating the agency should not be required to prove that classified material had not become public.

Further, the D.C. Court of Appeals has upheld the CIA's refusal to release additional information concerning the government's Glomar Explorer project. The project, financed largely by reclusive billionaire

Howard Hughes, was ostensibly undertaken to recover manganese nodules from the ocean floor, but it was later reported that the real purpose was to raise a sunken Russian submarine carrying nuclear missiles. In a May 4 decision, the court rejected the Military Audit Project's contention that "prior official disclosures by the government . . . suggest both that much of the material still withheld is already in the public domain and that the release of what remains undisclosed would do little additional damage to the national security, if any."

Writing for the three-judge panel, Judge Malcolm R. Wilkey declared that "even if the true purpose of the mission was in fact to raise a submarine from the floor of the ocean (which the government says it has not officially confirmed), there may be some advantage in leaving the Soviet intelligence agencies with lingering doubts whether some other purpose motivated the project." Withheld was information indicating the identities of corporations other than those controlled by Hughes which may have been involved in the project, dates on which certain activities were conducted, and information on the involvement of government agencies and employees and on the financing of the project. Reported in: *Access Reports/FOI*, April 1, May 13; *Washington Star*, April 29.

In a final CIA-related action, the agency was challenged in federal court March 27 over its censorship of a magazine article accusing the CIA of fabricating documents to back up allegations of Soviet and Cuban arms shipments to guerrillas in El Salvador. The suit, filed in U.S. District Court in Washington by Ralph McGehee, a former CIA officer and counterinsurgency expert, was the first such case brought since the agency's pre-publication review powers over present and former employees were upheld last year by the Supreme Court.

McGehee charged in the article, which appeared in the *Nation* magazine, that "what the United States is now attempting in El Salvador is merely a reflection of what the United States has done in many countries"—supporting a military or autocratic regime while labeling opposition "communist or terrorist." He charged that an eighteen-pound cache of documents provided to a State Department official in mid-January by Salvadoran police could have been "none other than the product of yet another CIA forgery operation."

McGehee likened the episode to similar instances in Iran in 1954, Chile in the early 1970s, and elsewhere, but rested his case primarily on events in Indonesia in 1965, with which he was directly familiar. It was details about the Indonesian operations which the CIA deleted from the article and which, in their suit, McGehee and the *Nation* charged were "not properly

classified." Mark Lynch, McGehee's attorney, maintained the deletions constitute an "unreasonable" degree of prior censorship in violation of the First Amendment. Reported in: *Washington Post*, March 28.

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(Moral majority . . . from page 85)

*Catcher in the Rye*. The placement of these books on selective reading lists is not the problem, the problem is much deeper than this. Even those who find the above books acceptable may still question the textbooks and associated teachers' guides that are now in use in our schools.

In examining the textbooks, what we found is truly appalling! The textbooks on literature contain a predominance of depressing, degrading, violent and anti-family stories and poems. . . .

One recurring theme found running through all history and social studies texts is that they advocate an ever increasing reliance on government to solve all of our problems. In so doing, they glorify the socialist societies and consistently find fault with our free society. Conversely the books have little to say about the virtues of the American political and economic system. No attempt is made to show the dangers or disadvantages of government intervention. . . .

A major thrust of the educational process is the teaching of "values clarification." Here the child is taught that there is no right—there is no wrong, that ethics is autonomous and situational. . . .

In summary, what we found can best be described by a statement made by Rep. John Conlan of Arizona, "There is a significant trend in education today to teach children that there are no values—that there is no God—that man is his own God." The philosophical basis for this trend is secular humanism and its principles and tenets permeate the textbooks in use in North Carolina.

Four novels, J.D. Salinger's *Catcher in the Rye*, *Kiss Daddy Goodbye*, by Thomas Altman, *The Learning Tree*, by Gordon Parks and *Forever*, by Judy Blume, which the review said were taken from school libraries in North Carolina, are singled out for criticism. "Filled with explicit sex and violence, it is little wonder that the teen-age pregnancy rate as well as public school crime is at an all-time high," the document said of these works.

Five pages of the report were devoted to a proposed K-12 sex education curriculum considered for adoption last year by the New Hanover County Board of Education. While the excerpts from teachers' manuals reproduced in the report seem innocuous, or even silly, at worst, Billy L. Mason, acting New Hanover school superintendent, complained that in fact only the fifth grade sex education curriculum had been adopted. He said that, contrary to the impression given by the Moral Majority review, school officials had not decided whether to adopt the controversial curriculum.

Also criticized in Mooneyham's report were:

- *Boys and Sex*, by Wardell Pomeroy, which the review said is included on a North Carolina Division of Public Instruction list of recommended books for junior and senior high students. Excerpts printed in the

report discuss adolescent sexual activity, premarital intercourse, masturbation and bestiality.

- *Life Skills for Health* and *Focus on Mental Health 10-12*. According to the reviewers, these are used in all schools in the state as a supplemental health education resource. Students are asked, in the excerpts cited, to discuss common personal problems with others which, according to the Moral Majority, amounts to an unwarranted invasion of family privacy and violates federal law.

- *Biology*, by Karen Arms and Pamela S. Camp, which is on the state adoption list for use by 11th and 12th grade advanced biology students. The reviewers claim the book advocates abortion as a means of birth control. Though on the state list, local systems may decline to use this and other approved texts. Last fall, the Winstom-Salem, North Carolina system decided not to use the Arms and Camp book, since it

might violate a school policy forbidding the teaching of birth control methods (see *Newsletter*, November 1980, p. 128).

- *New Voices 1, 2, 3 and 4*, a literature anthology series focusing on the work of contemporary writers, which is on the state adoption list for grades 9-12. The reviewers excerpt extensively—and highly selectively—to prove the selections are excessively violent, non-sensical, blasphemous or vulgar.

- *People, Places and Change*, a seventh grade social studies text, which was criticized for allegedly presenting Communist China in too favorable a fashion.

- *Scholastic American Citizenship*, a Scholastic Book Service series included on the state list for civics classes in grades 10-12. The reviewers claim this material “fosters rebellion” by presenting arguments allegedly against the federalist system and a strong presidency. Reported in: *Raleigh News and Observer*. April 24, 30.

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