

newsletter
on
intellectual
freedom



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"Censorship pressures on books and other learning materials in the public schools are real, nationwide, and growing." So concluded a report released July 31 by the Association of American Publishers (AAP), the American Library Association (ALA), and the Association for Supervision and Curriculum Development (ASCD).

Titled, "Limiting What Students Shall Read: Books and Other Learning Materials in Our Public Schools: How They Are Selected and How They Are Removed," the report summarizes the findings of a nationwide survey conducted to investigate the relationship between censorship pressures and book selection in the schools. The report also makes several recommendations to ensure that the entire selection process, including the mechanisms for challenge and review, will be conducted professionally and equitably; and that the range of materials made available to students not only will reflect established professional criteria, but also reflect the values, and address the needs of the entire school community.

The principal findings of the report are based on a two-part survey undertaken in the Spring of 1980 by the three sponsoring groups. Part one was a detailed (52-item) questionnaire mailed in April 1980 to a randomly selected stratified sample of 7,500 public, elementary, and secondary school librarians, library supervisors, principals, and district superintendents in the 50 states and the District of Columbia; 1,891 responses were received. Part two, conducted in May-August, 1980, was a mail-and-telephone survey of state-level administrators who oversee the evaluation and adoption of textbooks in the 22 states which have statewide adoption procedures for school books. Questionnaire responses were received from all but one of the adoption states; and officials in 20 of the 22 adoption states participated in the phone interview.

The report cautions that the survey data (and the report itself) not be taken as precise indicators of the rate or impact of censorship pressures nationwide. Nevertheless, the experiences reported by school administrators and librarians warrant concern in themselves, and may well reflect a more general situation extending beyond the sample.

Some of the salient findings of the nationwide mail survey of local-level librarians and administrators:

- Nearly one administrator in five and nearly one librarian in three reported some challenge to classroom or library materials in use during the two-year period (1978-1980) covered by the survey;

AAP/ALA/ASCD
study cites
censorship
increase

Published by the ALA Intellectual Freedom Committee,
J. Dennis Day, Chairperson

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

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ALA Council approves revisions of seven "interpretations" of Library Bill of Rights

On July 1, at ALA's 100th Annual Conference in San Francisco, the Intellectual Freedom Committee submitted, and the ALA Council unanimously approved, seven revised intellectual freedom policies. These revisions bring the policies in question into accord with the latest, 1980, revision of the Library Bill of Rights. Additional revisions will be submitted by the Committee in the future. In his July 1 report to Council, IFC Chairperson J. Dennis Day commented on the work of the Committee and introduced two additional resolutions. Below is an edited text of that report. It is followed by the full texts of each of the seven revised "interpretations" of the Library Bill of Rights.

The Council also rescinded, at the request of the Intellectual Freedom Committee, the ALA policy entitled, How Libraries Can Resist Censorship. This document has been replaced by a new statement, Dealing With Complaints About Resources, which is a procedural document of the Intellectual Freedom Committee and not an official ALA policy. The new document, which the Committee hopes will be of significant practical use to librarians, library trustees, and others, is available, as are copies of the Library Bill of Rights and all its interpretations, from the Office for Intellectual Freedom, American Library Association, 50 East Huron Street, Chicago, IL 60611. Single copies are free; there is a nominal charge for multiple copies.

IFC Report to Council

The principal item on the agenda of the Intellectual Freedom Committee at this 100th Annual Conference was the revision of the various interpretations of the Library Bill of Rights and other intellectual freedom policies, a task in which the Committee has been absorbed for over a year. At this meeting we submit for your approval seven such revisions. Before discussing these, however, I want to review briefly several other items the Committee discussed which, I believe, will be of interest to Council and Association members.

In its discussions, the Committee noted several current and proposed government actions which potentially threaten intellectual freedom. I call the Council's attention specifically to the reintroduction of the Family Protection Act in Congress. As you know, this comprehensive piece of proposed legislation would have a potentially severe impact on intellectual freedom. The Intellectual Freedom Committee and the Office for

Intellectual Freedom will work closely with the ALA Washington Office, as we did when this legislation was submitted to the previous Congress, to monitor its progress and to oppose those aspects of the proposal which violate the basic principles of our Association.

The Committee also heard a report from the chairperson of the California Library Association Intellectual Freedom Committee concerning the alleged suppression of government publications because their content was not in accord with current policy. The Committee felt this issue related to concern about increasing restrictions on the availability of government documents in several states which was communicated to the Committee at Midwinter. We plan to work with the appropriate units of GODORT in investigating the extent and nature of these two problems.

Also, I am pleased to report two important advances in our work with other national organizations against censorship. The long-anticipated report of the joint survey entitled, *Limiting What Students Shall Read: Books and Other Learning Materials in Our Public Schools: How They Are Selected and How They Are Removed*, co-sponsored by ALA, the Association of American Publishers, and the Association for Supervision and Curriculum Development, is scheduled for public release shortly after Conference. The survey report is, I am convinced, an important contribution to raising both professional and public consciousness of the school censorship issue.

In April, the Committee also sponsored a highly successful meeting of nationally prominent school administrators, representing several important national organizations. This meeting was funded through the 1980 Bailey K. Howard-World Book Encyclopedia-ALA Goal Award. It laid the groundwork for an ambitious program of educating educators, so to speak, in the principles of intellectual freedom. A full report was submitted to the Executive Director. We held a successful follow-up session during this Conference.

I should also report that the Committee took note of the report of the Coalition for Better Television, released just this week. We are aware of the strong censorship implications of this group's activities, and since the atmosphere created by such efforts will undoubtedly affect libraries, we are closely monitoring the situation.

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El Salvador named top "censored" story of 1980

El Salvador, one of the front page stories of 1980, was named the top "censored" story of the year May 27 by Project Censored, a national media research project.

Noam Chomsky, professor at the Massachusetts Institute of Technology and one of the project's jurors, said much El Salvador coverage was distorted and inadequate. "By failing to do its own full and independent investigation of the conflict in El Salvador," Chomsky added, "the major news media presented the American public with an inaccurate picture of what was happening there."

Project Censored director Carl Jensen, Associate Professor of Media Studies at Sonoma State University, California, said, "Like the Tonkin Gulf media event in 1964, this is a prime example of how the mass media, either through misinformation or ignorance, generated public support for a misguided U.S. foreign policy that threatened to embroil Americans in another Vietnam war."

The media research project, now in its fifth year, explores the extent of news censorship by locating stories about significant events which do not receive adequate media coverage.

The other nine top censored stories as ranked by a national panel of jurors were:

2. *Big Brother is Listening to You*—the National Security Agency, not the CIA or the FBI, is America's biggest intelligence organization and few Americans have heard about it or how it spies on U.S. citizens. While everything it does is classified, it is known that the NSA automatically records telephone calls, wireless and cable messages to and from the United States.

3. *Continuing Censorship of the Nuclear Issue*—in Orwellian fashion, pro-nuclear propagandists are using the Three Mile Island accident to resell nuclear power to the American public. The continuing hazards of nuclear power are lost in the slick "no one died at TMI" propaganda campaign. More than a half dozen nuclear-oriented stories were nominated for censored stories of 1980, including infant deaths at Three Mile Island, uranium mining in "remote" New Jersey, and the charge by the Physicians for Social Responsibility that nuclear war is history's greatest public health threat.

4. *The Bendectin Cover-up*—Bendectin, a drug prescribed for pregnant women for treatment of nausea, is charged with causing serious birth defects. The manufacturer, Richardson-Merrel Inc., which also produced Thalidomide, and the Food and Drug Administration have been accused of covering up unfavorable reports on the drug's effects.

5. *Something is Rotten in the Global Supermarket*—prime agricultural lands in Third World countries are being converted to cash export crops by large transnational agribusiness firms. The transition from self-sufficient economies to food-dependent economies leaves millions of now landless peasants in those countries facing starvation and malnutrition.

6. *The Circle of Poison*—dangerous pesticides, banned from use in the United States but exported abroad, are endangering workers in American chemical plants, injuring Third World workers in the fields where they are used, and returning to America in the food we import.

7. *Space Wars*—while Americans thrilled to the new adventures of *Star Wars* last year, they were unaware that Russia and the United States were locked into a no-win race to develop real-life killer satellites and laser weapons which may result in a nuclear space war.

8. *Tobacco Companies Censor the Truth About Cigarettes and Cancer*—the American Council on Science and Health revealed last year how the tobacco industry uses advertising revenue to discourage magazines from publishing stories on the hazards of cigarette smoking. Despite the serious charge, the alleged "conspiracy of silence" between the tobacco industry and the print media received little press coverage.

9. *The Oil Companies' Monopoly on the Sun*—within the last five years, a powerful elite of multinational oil companies, aerospace firms, utilities, and other large corporations have been quietly buying into the solar power industry. The objective appears to be to squeeze out smaller competitors and control development so that alternative energy sources will not threaten massive investments in fossil fuels and nuclear power.

10. *Poisoned Water, Poisoned Land*—each year some 78 billion pounds of poisonous chemicals are dumped into 51,000 sites throughout the country where they enter the underground water supply. Many of these mixtures are carcinogenic, lethal on contact, and can endure in the environment for up to 100 years. Yet, the Environmental Protection Agency fails to effectively monitor toxic wastes.

The panel of jurors who named the top ten stories were: Dr. Donna Allen, editor and publisher of *Media Report to Women*; Ben H. Bagdikian, journalist and faculty, Graduate School of Journalism, University of California, Berkeley; Hodding Carter, journalist; Noam Chomsky, professor, Massachusetts Institute of Technology, and writer on contemporary affairs; Robert Cirino, author and teacher; Ann Crittenden, economics writer for the *New York Times*; David Cohen, issues politician and strategist on public interest issues; Joel Dreyfuss, executive editor, *Black Enterprise*

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in review

Classrooms in the Crossfire: The Rights and Interests of Students, Parents, Teachers, Administrators, Librarians, and the Community

By Robert M. O'Neil. Indiana University Press, 1981. 242 p. \$15.00.

With a great deal of comprehensiveness, *Classrooms in the Crossfire* discusses the legal complexities and social implications of the increasing conflicts between First Amendment freedoms and community standards for public schools. Among the causes of these increasing conflicts are: the changing character of the curricula and materials, changing parental expectations and growing frustrations, new pressures from new groups reacting to new materials, changes in the organization and structure of American public education, and increasing accessibility to the courts.

The author draws examples from such places as Kanawha County, West Virginia; West Clark, Indiana; St. Anthony, Idaho; and Suffolk County, New York. He considers these conflicts from various points of view—those of parents, teachers, administrators, librarians, special interest groups, ethnic minorities, private schools, and the community as a whole.

O'Neil discusses not only the continuing legal conflict between censorship and free expression concerning what is taught in the classroom, but also the more recent litigation over the arguments that a child has the right to be educated to at least some minimal competence level, or to not be educated at all, at least in public schools, if the parents object to what is taught there.

Students are persons under the Constitution in school as well as out, and must not be regarded as closed-circuit recipients of only what the state chooses to communicate. The premise that the function of the public schools is to inculcate values in children during the formative years, a premise accepted by many, places great restrictions on the teacher's freedom of curricular choice and expression, and interferes with the concept of the student as a person.

Among the many things that have no legal standing in educational disputes are unfocused objections to some part of the curriculum, the strength of the parent's (or other complainant's) feelings, and invasion of privacy. Areas in which the courts are likely to respond include those in which freedom of worship, speech, or press have met with interference, or where educational opportunity has been illegally denied.

The chapter on librarians and censorship may be the heart of this book. O'Neil points out here that the First Amendment forbids public officers from imposing personal and subjective literary standards upon the holdings of libraries or classrooms. He says, "A persuasive case can be made that the librarian serves as a

facilitator for the free expression of others—the channel by which an author (or publisher) reaches a vast body of readers who cannot buy the book. If librarians are not free to make untrammled judgments about the acquisition and circulation of controversial materials, then the First Amendment freedom both of author and reader suffers" (p. 153).

The bias of the author in favor of preservation of the freedoms of the Bill of Rights in classrooms and libraries is clear, and he believes that there has never been a time in history when these rights have been in greater need of defense. He maintains that we should not tolerate the prevailing restriction of free inquiry in the schools. A major contributor to this problem is the fact that most citizens know little about current conditions and the risks these pose to coming generations or about the governing legal principles. One of the book's major premises is that more and better informations about current conditions in schools will contribute toward maintaining the freedoms upon which our educational system was founded. —Reviewed by James E. Davis, Ohio University, Athens.

Sex Magazines in the Library Collection: A Scholarly Study of Sex in Serials and Periodicals

Peter Gallatly, ed. Haworth Press, 1981. 142 p. \$14.95.

This interesting volume (a monographic supplement to *The Serials Librarian*, Vol. 4, 1979/1980) fills an important *lacuna* in the array of books needed by librarians sincerely trying to live up to the First Amendment and the *Library Bill of Rights*. The editor has given wide latitude to his chosen contributors, and the book has pace and variety. In his introduction, Gallatly minces no words; he refers to "the leering salaciousness that confronts one nowadays on most magazine racks." Nevertheless, he insists that "librarians recognize their social responsibility to provide the public with the material it wants to read. . ."

Granted this assumption, what does *Sex Magazines in the Library Collection* contain as helpful guides for the librarian determined to add one, two (maybe more?) "sex" magazines to a library collection? J.J. Gayford (in an article originally published in 1978 in the British journal, *Medicine, Science and the Law*) very coolly analyzes seventy-two magazines sold over British store counters in 1976-77, and dealing with "general erotica" and/or "some form of sexual deviancy." He includes charts and tables on such topics as the frequency and subject matter of illustrations, types of self-designated sales restrictions, the appearance and content of letters to the editor, as well as on whether or not sexually related items were advertised, the style and topics of cartoons, and the literary style and content of the sexy six-dozen. Rather irrelevantly, Gayford delivers a lengthy dissertation

on the possible effects (good and bad) of pornography reading, concluding that “. . . sexually explicit material has a valid place in our society, provided there is control of standard and use.” “Control?” Sounds like censorship to me!

Bruce A. Shuman and Karen Dalziel Tallman discuss “male, heterosexual-oriented magazines dealing with sex and sexuality . . . which are indexed (and therefore of value to libraries) [a dubious criterion, at best—EMO] in one or more commonly-found popular periodicals indexes.” This describes only three American magazines—*Playboy*, *Penthouse*, and *Oui*. The authors see all three as erotic rather than pornographic, and, even allowing for the *Newsletter's* long record of various censorship problems associated with them, they foresee “no (or damn near no) hassles for librarians” over these three widely sold publications.

In viewing the legal aspects of “Treatment of Sexually Oriented Magazines by Libraries,” Roy M. Mersky and Michael L. Richmond beg the question somewhat when they say “there may well be serious legal ramifications to acquiring some of this material, and the library’s legal counsel should be consulted.” One wonders at their suggestion that the only safe way to collect possible pornographic magazines is to put them away in a screened-off stack section, or in book-cases “with a glass or wire screen door that locks. . .” In fact, they go so far as to suggest “controlled access” only, requiring prospective readers to fill out forms “indicating name, supporting organization, nature and purpose of research, and similar data,” along with “letters of introduction from faculty. . .” Of course I differ with this *modus operandi*; there can only be a clear violation of the *Library Bill of Rights* in such an approach. Either the item is legal and broadly available, or, if it is obscene and illegal, it doesn’t belong in the average library, of which I presume they are speaking.

Richard C. Dahl and Jerold Nelson each contribute chapters on legal aspects of handling erotic magazines in libraries. Dahl has little of consequence to say; Nelson reviews *Newsletter* reports of censorship incidents involving erotic periodicals, as reported from the time of the 1973 *Miller* decisions until the end of 1978, concluding that, generally speaking, “the *Miller* decisions have had an adverse effect on the availability of erotic magazines.”

Following an article by Cynthia R. Howe on “Children’s Rights in the Library,” which is both out of place herein and not very significant, comes Joe Morehead’s brief but very funny *excursus* into “Sex Themes in Federal Serials,” whose five pages alone are well worth the price of the book (especially his welcome addition to terminology in the sexual-writings area, the absolutely *necessary* words, “obnography” and

“porscenity.” Now anyone can distinguish between previously confusing types of sexually-oriented materials . . . or can they?).

On the more serious subject of sexology magazines, Barrett W. Elcano and Vern Bullough provide a very useful brief chronological history, followed by a well selected, annotated bibliography, including periodicals on such topics as sex research, birth control, homosexuality and transvestism/effeminism. Frederick McEnroe’s “A Selected and Annotated Bibliography of Gay and Lesbian Periodicals” is a useful guide to a publishing area where titles are usually not very long-lasting. The iconoclastic Sanford Berman concludes the stimulating volume with a thirty-five-page “sample” sex index of single issues of twelve periodicals ranging from *Fetish Times* to *Screw*, covering such ordinarily library-untouched subjects as “Afterplay,” “Armpit Hair,” and “Diaper Fetish.” Why *not* a “Sex Index,” H.W. Wilson, Haworth Press, or SIECUS?

Incidentally, Lawrence S. Thompson’s book-opening chapter on “Prolegomena to Pornography in Greek and Roman Antiquity,” although certainly scholarly and an addition to knowledge, is as out of place as the previously mentioned Howe item.

Considered as a whole, this book is an unusual, pioneering work, well worth purchase by every academic library and most public libraries. It offers some fresh new ideas in a field largely lacking such. There are, of course, many questions left unanswered and problems still unsolved—but who expects a magisterial encyclopedia from pioneers?—Reviewed by Eli M. Oboler, University Librarian Emeritus, Idaho State University, Pocatello.

Berkeley City Council endorses Library Bill of Rights

At its May 26 meeting, the Berkeley, California, City Council unanimously adopted as “city policy” the American Library Association’s *Library Bill of Rights*. In a letter to the *Newsletter*, Director of Library Services Regina Minudri reported that she asked the Board of Library Trustees to submit the document to the Council, along with the *People’s Rights to Libraries*, a document which has been endorsed by some state library associations, because “I felt that formal city adoption would make the concept even stronger.” In recommending the documents to the Council, the library trustees commented that “the Berkeley community can take a leadership role in California by demonstrating that the highest level of city government supports the ideals of public library service and intellectual freedom.” As Ms. Minudri pointed out in her letter, “If a City Council has adopted a policy, they are usually quite careful and take attacks on adopted policy very seriously.”

television boycott axed as coalition claims victory

Claiming that advertisers have seen the light, the Coalition for Better Television announced June 29 that it had called off its plans to boycott companies which sponsor television programs laden with violence, sex, or profanity. Flanked by Coalition co-sponsors Phyllis Schlafly and Moral Majority head the Rev. Jerry Falwell, the Rev. Donald Wildmon, head of the two-hundred-member amalgam, declined to say what commitments his group won from advertisers. He pointed, however, to Procter & Gamble Co., the nation's single biggest advertiser, as one reason the group's plans had changed. Two weeks earlier, Procter & Gamble announced it had refused to advertise on fifty individual episodes of shows this season because they did not meet the firm's guidelines on the broadcast of sex and violence. While denying that the company's decisions were made under pressure from the Coalition, a Procter & Gamble spokesperson acknowledged the firm had engaged "in a healthy exchange" with representatives of the Coalition and the Moral Majority over several months.

Earlier, even after the Procter & Gamble announcement, the Rev. Falwell had promised that at least two major advertisers would be targets of a boycott. "Over 70,000 preachers will announce the boycott targets from their pulpits," he had announced (see also *Newsletter*, March 1981, p. 36). Reported in: *Oakland Tribune*, June 30; *Chicago Sun-Times*, June 17; *Advertising Age*, June 22.

Subscribers to Cuban journals must register; delivery blocked

Citing the Trading with the Enemy Act of 1917, which bars trade with certain foreign countries in the event of a national emergency, the Treasury Department has ordered Customs officers to block the delivery of about 30,000 copies of Cuban journals to subscribers in the United States. The publications include *Granma*, the newspaper of the Cuban Communist Party, and *Bohemia*, a monthly journal.

Under the law, officials said, goods that are exempt from the nineteen-year old American trade embargo against Cuba—like published materials—cannot enter the country unless the importer possesses a license issued by the department's Foreign Assets Control Office. Since May, copies have been detained in Boston, where they arrived from Cuba by way of Montreal. A Customs official, who asked not to be identified, said Customs officers would check these to see whether the addresses possessed licenses. Those who did not

would be informed of the need to register. They would also be told that direct subscription is not the only way to receive the journals, as three licensed retailers in this country sell them.

Jane Franklin, a free-lance writer from New Jersey, said she had subscribed to *Granma* since 1966. She was unaware of the need to register for an import license. She said she became suspicious after she received calls from friends who had not been receiving their copies. Harold A. Mayerson, an attorney representing Mrs. Franklin and other subscribers, said the requirement for a person to register with the government to subscribe to Cuban journals has "a chilling effect on people using their First Amendment rights." Reported in: *New York Times*, July 6.

Oregon passes confidentiality law

Oregon has become the eighth state to pass laws exempting library circulation records from freedom of information and public records statutes. On June 3, the House and Senate concurred on the proposal and it was signed by Governor Victor G. Atiyeh within a week. The exemption now becomes part of the Oregon Public Records Law.

The Oregon Library Association Legislative Committee initiated the bill after study last year indicated that circulation records in the state were not exempt and libraries had no legal grounds to deny even a casual request for access. Other states with statutory protection of the confidentiality of library records are California, Florida, Iowa, Maryland, Minnesota, Nevada, and Virginia.

Freedom of Information Act under siege

Shortly after it was revealed that the Justice Department would more readily defend government agencies seeking to withhold information sought under the Freedom of Information Act (see *Newsletter*, July 1981, p.100), three bills were introduced into Congress in late May which would seriously restrict the scope of the Act.

The first proposal (S. 1247), introduced by Senator Robert Dole (R-Kansas), would limit an agency's discretion to disclose information falling under Exemption 4, which deals with trade secrets, to instances where the agency "by clear and convincing evidence can show that failure to release the information would seriously injure an overriding public interest." The bill expands the type of information protected from disclosure under Exemption 4 to include proprietary information which would not normally be disclosed to the public by the person from whom it was obtained, and information an

agency has told the submitter it would not disclose. Under the measure, submitters must be notified that a request for the information has been made, and are provided an opportunity to appeal, in court, any decision to disclose.

Two other proposals would exempt the operational files of the Central Intelligence Agency from FOIA provisions. Senator Alfonse D'Amato (R-New York) has introduced legislation (S. 1235) which would exempt virtually all CIA files from disclosure. The measure permits the CIA to withhold information relating to any internal operation, office management, or organization of the CIA, and information relating to CIA covert actions and intelligence gathering abroad. In addition, the measure strengthens Exemption 6 (national security) by permitting the CIA to withhold any personnel or medical or similar file without meeting the burden of showing that disclosure would constitute an unwarranted invasion of privacy. The proposal also limits the jurisdiction of the courts to review CIA decisions withholding information requested under FOIA to information contained in an individual's personnel file. Indeed, such files would, according to D'Amato's bill, be the only CIA files not exempt from the provisions of FOIA—and these, whether requested under FOIA or the Privacy Act, may only be disclosed to the person to whom they pertain.

Senator John H. Chafee's (R-Rhode Island) legislation (S. 1273) approaches the issue in a different way, but the result would be similar. Chafee's bill amends the Central Intelligence Agency Act of 1949 to exempt the CIA from "any law which requires the publication or disclosure of the organization, functions, names, officials titles, salaries, or number of personnel employed by the agency." The legislation also exempts information in CIA files pertaining to intelligence activities from the provisions of any law requiring their disclosure. Reported in: *Access Reports/FOI*, May 27.

Freedom to Read Foundation report to the ALA Council

The Board of Trustees of the Freedom to Read Foundation held their Annual Conference meeting in San Francisco, California, June 25. At each ALA Annual Conference and Midwinter Meeting, the Freedom to Read Foundation submits a report to the ALA Council on its activities. The following report was delivered at the 1981 Annual Conference by Foundation President Florence McMullin.

The Board of Trustees of the Freedom to Read Foundation met on Thursday, June 25 in an atmosphere marked by the continuing intensification of pressures to censor or otherwise restrict access to library and to school materials. As I have reported

previously, and as the Office for Intellectual Freedom has repeatedly confirmed, the Foundation—and the library community in general—presently face what may well prove to be the most serious challenge to intellectual freedom since the dark days of the McCarthy era. Due to the upsurge in censorship, the foundation has begun to prepare to meet the inevitable challenges we know will come on the judicial front. In addition, our attention has continued to be focused on several long-standing cases which may well determine the pattern to be followed in future litigation.

Among such outstanding cases is that of *Pico v. Board of Education, Island Trees*. The Trustees believe this case may be the single most important censorship case pending in the courts and voted to reaffirm the Foundation's commitment to its support. As you will no doubt recall, the *Pico* case concerns the removal in 1975 of some nine titles, including works by such noted authors as Kurt Vonnegut, Bernard Malamud, and Richard Wright, from the Island Trees High School library by the order of the school board after the books appeared on a list of objectionable titles circulated by a conservative parents group. Last fall, the U.S. Court of Appeals for the Second Circuit remanded the case for trial, reversing the dismissal of our suit at the district court level. The school board then appealed to the full circuit court, which sustained the reversal in a 5-5 tie vote. The board has now appealed to the U.S. Supreme Court. We hope that the high court will not hear the case at this pre-trial stage and expect this critically significant case to at long last come to trial in the near future.

This case, as well as several other school book censorship cases, indicate that a major thrust of the new wave of censorship has been to deny young people's access to the full range of available materials and to reverse the gains of the past decade in the extension of youth access. But this focus on young people, I am convinced, is only the opening salvo in a general assault on the rights of all.

Indeed, this is indicated as well by the disturbing proliferation of proposals for so-called "minors display" statutes, which limit the sale of much legally protected, but sexually explicit, material in areas that are open to minors. At Midwinter, I reported that the Foundation had joined in a suit against such a statute in the state of Pennsylvania. Although the judge in that case has promised to act expeditiously, we still await a final decision. In the meantime, an even more restrictive statute has been adopted in Georgia, one which will have a direct effect on libraries, since its coverage is not, as in Pennsylvania, restricted to vending institutions. Prior to its annual meeting, the Foundation's Executive Committee voted to join a suit against the Georgia

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censorship dateline



libraries

Tampa, Florida

The controversy surrounding Peter Mayle's *Where Did I Come From?* and other sex education books in the Tampa Public Library has not abated, despite a library board decision to retain the books in the children's section (see *Newsletter*, May 1981, p. 65; July 1981, p. 102). Manual Alonso, a local pharmacist, who said he was armed with a petition against the Mayle book signed by 3,000 people, has renewed the request that this book be taken from the children's section. Previously, six sex education books had been challenged by County Commissioner Jerry Bowmer after a school official had taken the Mayle title from a seven-year-old girl. The girl had obtained it from the library with her parents' permission. Reported in: *Tampa Tribune*, May 21.

Baileyville, Maine

365 Days, by Ronald J. Glasser, a graphic report written by a physician who worked for a year in Vietnam in a burn ward treating wounded soldiers and in a pediatrics ward treating children, has been removed from the shelves of the Baileyville High School library by order of the Baileyville school board. The board acted in early May after complaints were made about language in the book by local clergy. An appeal by two Baileyville students seeking the book's return on a "restricted" basis was rejected several weeks later.

According to Thomas Golden, chairman of the board, the fundamental reason for the ban was not the book's theme of death and dying in Vietnam or its anti-war tone, but only the allegedly excessive use of four-letter words and their supposedly harmful influence on students. "Maybe I've heard some of these offensive words, but I sure don't use them as part of my vocabulary and I don't like to be around people who use them," said Golden. "I guess that most of John

Steinbeck's books also have such words in them but not that many, and we haven't removed his books. It's just that *365 Days* had too much gross language." Reported in: *New York Times*, June 26.

Belfast, Maine

A petition drive is under way to remove *Our Bodies, Ourselves*, the controversial feminist health manual, from the Belfast District High School library. The drive is being spearheaded by the Rev. James L. Evans of the Swanville Community Church, a former drug addict who "found Christ" ten years ago. Evans says his interest in the book was aroused by reading a national mailing from the Rev. Jerry Falwell of the Moral Majority. Falwell's letter called on his supporters to seek the book's removal from schools.

After Evans complained about the book in May, a four-member citizens' committee was appointed to review it. They voted 3-1 to keep it on the shelves. Evans then appealed to the school board, which voted 7-3, with 3 abstentions to support the committee's decision. At this point, Evans began his petition campaign. He hopes to change the minds of the board members in September. Evans has also won the support of a year-old local group known as Families for Freedom, which has been trying to get a law through the Maine legislature that will keep government out of family matters.

Our Bodies, Ourselves was donated to the school three years ago by the local Family Planning Agency, but had been checked out just four times before May. According to school officials, it was used infrequently by students in the library. "When Evans first brought the book to our attention, we didn't even know it was in the library," said school superintendent Richard Marx, "but now there's a waiting line." Reported in: *Boston Globe*, July 15.

North Adams, Massachusetts

Calling the prize-winning novel a "garbage book" filled with sex and violence, a parents' group in North Adams is seeking to ban black author Richard Wright's *Native Son* from the classrooms and library of Drury High School. Gerald Delisle, spokesperson for the Parental Rights Committee, said July 14 that the group would appeal a decision by school officials to continue use of the book to Superintendent Robert Maroni. The parents' committee, which last year stopped a sex education course, has submitted a petition to ban the book. Reported in: *Boston Globe*, July 15.

Wayne County, Ohio

Carolyn Smith said she doesn't want the book banned, but she doesn't think her eleven-year-old daughter—and other students below the tenth grade—should be reading *Go Ask Alice*, the controversial

anonymous account of a fifteen-year-old girl's tragic experiences with drug addiction. According to Mrs. Smith, her daughter obtained the book from the Wayne County Public Library's bookmobile, after it was recommended to her by a library employee when the bookmobile visited the Chester Elementary School in northwestern Wayne County in April.

"She read two-thirds of the book before I came home," Mrs. Smith said. "When I got there, she gave me the book. I read it after she went to bed. It's a sad book, but it's not one that should be in the hands of a fifth-grader." County librarian Joseph Marconi said he was asked by school superintendent Edward Shultz to remove the book when the bookmobile visits schools in the northwestern district. Reported in: *Akron Beacon Journal*, May 14.

Vancouver, Washington

When Marian English's son had trouble locating a science fiction book last May in the Wy'East Junior High School Library, his mother became suspicious. She went to the library and was told the book had been stolen, but only after she was shown the restricted shelves containing materials considered objectionable by the district—materials which could only be checked out by students with parental permission. The book in question wasn't there—it had, indeed, been stolen—but Mrs. English was incensed anyway. Inquiring as to how books were placed on the restricted shelf, she learned that virtually any title against which a complaint has been filed ends up there.

"He (the librarian) didn't even know why most of them were off the shelf," she said. "No procedure was used in removing any of these books from the library." School administrators said the restricted books were put back on the open shelves after Mrs. English's complaint, but she says she was never notified and the books are still not available. Moreover, Mrs. English charged that a new "streamlined" complaint system allows individual administrators and parents the right to ban books from the library without a hearing. "I consider it a flat-out abridgement of the First Amendment," she said.

According to a mailing distributed by ACLU Washington Executive Director Kathleen Taylor, who is supporting Mrs. English, there are twenty-five titles on the Wy'East restricted shelf, including *Slaughterhouse Five* and six other novels by Kurt Vonnegut; *The Biography of Alice B. Toklas*, by Linda Simon; *Witches and Witchcraft*; *Psychic Voyages*; *A Young Person's Guide to Love*, and the controversial feminist health manual, *Our Bodies, Ourselves*. Reported in: *Oregon Journal*, July 3; *Portland Oregonian*, July 5.

Montello, Wisconsin

Hard Feelings, by Don Bredes, one of ten Montello school library books challenged by a "Concerned Citizens" group in March, after the group had taken thirty-three "questionable" titles from the high school and elementary school libraries (see *Newsletter*, May 1981, pp. 66-7), has been removed from the shelves by the unanimous vote of the Montello school board. The book, described by its author as a story of an adolescent boy's growth into manhood, was rejected at the 5-2 recommendation of the district's Media Review Committee in April. With one dissenting vote—by outgoing member Beatrice Weiss, who was defeated in the April 7 school board election—the board also upheld the Committee's recommendation to keep three books by Judy Blume, *Are You There, God? It's Me, Margaret*; *Deenie*; and *Then Again, Maybe I Won't*. Other titles challenged by the "Concerned Citizens" were still under consideration by the board. Reported in: *Madison Capital Times*, April 28.

schools

Sparta, Illinois

On April 23, Sparta High School principal Don Outten reported the sex education film, *Far Cry from Yesterday*, which deals with the teenage pregnancy problem, stolen from the school library, along with a projector. The movie had been rented from Sangamon State University in Springfield. On April 28, school board president Jerome Prest and six other board members convened a special board meeting at which the film was screened. On April 29, the day after the board meeting, Outten said, the film and the projector were "slipped back into the library."

The incident sparked a storm of controversy. Outten said he was about to have a student prosecuted for theft when the items reappeared. He filed a police complaint against Prest and another board member. The teachers' union also filed a grievance.

On his behalf, Prest says the real issue is the film's content. "It was unfortunate the way it was handled. But I don't regret seeing the film," he said. The movie "contains a great deal of profanity, and the scenes left nothing to your imagination. There was a lot of unnecessary nudity." After watching the film, Prest said, the board passed a resolution calling for a board review of all educational materials. Reported in: *St. Louis Globe-Democrat*, May 7.

Vernon, New York

For twenty-five years, the Red Devil has been the symbol for athletic teams in the Vernon-Verona-Sherrill school system, about twenty-five miles east of Syracuse.

Apparently, no one thought very much about the potential religious implications before an eighty-one-year-old grandmother formed the thirty-five member "God's Concerned Citizens" to exorcise the satanic mascot. "I can't think of any symbol for the team which would be worse," said Catherine Brewer.

Since last fall, several attempts by "God's Concerned Citizens" have failed to persuade the school board that the Red Devil must go. "If they could come to me and show me that the mascot makes our kids different in any adverse ways, then we'd consider changing the thing," said School Superintendent Albert Kouba. "But they haven't proved that. Our kids are good kids." Reported in: *Chicago Sun-Times*, June 13.

Pawtucket, Rhode Island

Boing!, a newspaper that boasts it is "by, for, and about kids," published by the Children's Museum in Pawtucket, is distributed to about 75,000 children in 37 Rhode Island school districts and in nearby Massachusetts. But it has been banned in Pawtucket, Weterly, and Charlestown.

The publication features essay contests, book reviews, word games, art work and lists of children's activities. Published five times each school year as part of a cooperative fund-raising venture for several children's museums throughout the nation, the paper is distributed free and is aimed at children in grades three through six. Its pages also include advertisements and admission prices for various events, and it is these ads that are causing the trouble.

"If there was no mention of price," said Pawtucket Superintendent William J. Histen, Jr., "the publication would be acceptable. If we open the door to that, where do we stop?" In addition, Histen pointed to a state law which says in part that no person shall "distribute through or in the public schools or to children on their way to or from school any circular, sample, package, coupon, ticket, or other similar advertising material." Janice O'Donnell, editor of *Boing!*, says the brouhaha over the ads amounts to a "petty bureaucratic decision." Reported in: *Providence Evening Bulletin*, April 3.

Sumner, Washington

Aldous Huxley's *Brave New World* will remain on required reading lists in the Sumner schools until a citizens' committee and school board members have had a chance to read it. Terry and Rosanna Andersen, whose son was assigned the novel in an English class, had asked a faculty review committee to ban the book from the required lists. When their request was denied, they appealed to the school board, which on June 11 decided to review the matter and appoint the citizens' group.

The Andersens claim the book is depressing, fatalistic, and negative, and that it encourages students to adopt a lifestyle of drugs, sex, and conformity, reinforcing helpless feelings that they can do nothing to make an impact on their world. The parents argue that the Huxley novel is really just the tip of a larger iceberg—the spread of a "humanistic" approach to society in the schools. Among their other complaints were biology courses which favor evolution over creation, and drug studies which tend to highlight the "how-to" aspect of drug use.

The Andersens said they would like to see English classes go back to using more classical literature, like Shakespeare. But, warned Pat Collins, a Sumner High School English teacher and *Brave New World's* main defender in the controversy, "If they didn't like Huxley, they are going to hate Shakespeare. Shakespeare was a dirty old man who wrote some very bawdy stories." Reported in: *Tacoma News-Tribune*, June 5, 11.

Mukwonago, Wisconsin

Mukwonago High School drama students were not allowed to present their spring play, *Hey, Naked Lady*, because school officials deem it objectionable. Principal Dale Henry announced May 13 that the three-act comedy, originally scheduled for presentation May 22 and 23, would be cancelled because its plot involves cohabitation and female exhibitionism.

Todd Huebner, a senior who was to have directed the production, defended the play, saying, "It's cleaner than an average night watching television." Huebner explained that the plot involves two men and two women living in the same apartment. From their window, the four can see a naked woman in a neighboring apartment. The cast had planned to have a female student dressed in a body stocking play that part.

The play was selected in mid-April and auditions began almost immediately. Henry said the play should have been submitted for review at least a month before auditions began. Reported in: *Milwaukee Journal*, May 14.

universities

Stillwater, Oklahoma

Students at Oklahoma State University who were looking forward to a scheduled screening of a pornographic film at the final session of instructor Kay Murphy's sex education class were disappointed when Mrs. Murphy announced she would cancel the showing. Neither Mrs. Murphy nor university officials would discuss the cancellation, but a student in the class said Mrs. Murphy told them "it was her (own) decision."

The decision to cancel the film and to refuse all public comment on it, however, followed by one day

an unannounced visit to the class by state Senator Ed Moore (R-Oklahoma City), a well-known opponent of sex education courses, in early May. "What I saw, I saw no need for," Moore commented after his visit. "I wouldn't want my children attending that class." Reported in: *Oklahoma City Times*, May 6.

film

Hollywood, California

Four minutes of wide-screen, full-color film of a mostly nude Bo Derek cavorting in the jungle didn't make it to local movie screens when *Tarzan, the Ape-man* opened in theaters across the country July 24. The cuts were made on the order of federal Judge Henry F. Werker of New York, who viewed the film July 9. The issue isn't the acceptability of Ms. Derek's highly exposed figure, but the claim of a company representing the heirs of the late Edgar Rice Burroughs, creator of the Tarzan character, that the new film violates the original licensing agreement between Mr. Burroughs and MGM. Under the contract, MGM had the right to make the first Tarzan movie and any remake for a total payment to the author of \$20,000. Burroughs' heirs claim that the current movie's focus on Ms. Derek takes it beyond the definition of a remake. Reported in: *Wall Street Journal*, July 10.

Niles, Illinois

The land under the Lawrencewood Theater in the Chicago suburb of Niles is owned by the Village of Niles and leased to Kohlberg Theaters of Chicago, which owns the theater itself. Under the terms of the lease, the Lawrencewood may screen no movies with "excessive sex or violence." On May 1, *Spaced Out*, an "R" rated feature, began its run on a double bill with *Stir Crazy*, also rated "R." On May 4, theater manager Jacqueline Friedman received a call from Niles Youth Officer Jack Thompson, who told her he had received complaints about *Spaced Out* and that, at the request of Mayor Nicholas Blase, would be coming to see it. She agreed.

"I have to agree with them that the movie was pretty bad," Friedman said. "They asked us once before to stop showing a movie and when *Flesh Gordon* came out, they asked us to take some of the scenes out of it. I really don't think that they have the right to act as censors, but I don't think they're wrong. I don't want any trouble with them. It's like they say—you can't fight city hall."

"We do have an obscenity ordinance in this town," Thompson explained. "I also view magazines where they are being sold to see if there's anything that is obscene. And any magazine that shows a bare part of the body on the cover has to have a covering over it." Reported in: *North Shore Suburban Tribune*, May 8.

Beckley, West Virginia

A movie by the activist Maryknoll order of the Roman Catholic Church, which blames rich landowners for the state of the poor in southern West Virginia, has not been shown in the town where it was made. And if community leaders have it their way, the film may never be shown in the area.

The Rev. Joe Hacala brought a film crew to Mingo County in the belief that the problems of this coal-mining area of Appalachia were similar to those of El Salvador, Cambodia, and other Third World countries where the Maryknolls have been active. "The companies who own the land have certain responsibilities," Hacala says in the film. "In my opinion, they have no right to own the land. They stole it from the people. The people have the right to reclaim the land, to steal it back."

The film has not been shown on public television in the area, nor has it been publicly screened in Mingo County. WSWP-TV, the Beckley public television affiliate, viewed it and decided it was one-sided, according to station manager Art Albrecht. Reported in: *Washington Post*, July 3.

art

Detroit, Michigan

The Detroit Institute of the Arts had hoped to run a series of television public service announcements publicizing a new exhibit, "The Nude: Prints, Drawings and Photographs from the Permanent Collection." According to a museum spokesperson, however, the three major television stations in Detroit frowned on use of the word "nude" in the announcements and demanded close control over the choice of artwork to appear on the tube. Hence, the Institute was forced to abandon its plans for television promotion of the exhibit. When asked what else the exhibit might have been titled, the spokesperson joked that "maybe we can say it's the DIA's permanent collection of privates." Reported in: *Rocky Mountain News*, May 22.

Madison, Wisconsin

A University of Wisconsin committee has endorsed the removal from an art department corridor of a book of verse and lithographs which portray scenes of nude women in bondage. "We do not propose that the university censor all material which may be demeaning or degrading to women or any other group," Mary K. Rouse, chairperson of the Committee to Evaluate Security Needs and Concerns, said in a letter to Chancellor Irving Shain, supporting the removal of the work of graduate art student Kevin Kennedy.

"We do strongly suggest that the art department and other departments make clear by the manner in which such material is presented that they recognize the potential impact. . . The department permitted the work to be displayed in a location where observation at some level was required, not voluntary, on the part of passers-by," she continued.

Kennedy's book was removed from a display case on the sixth floor of the Humanities Building after *The Feminist Connection*, a Madison monthly newspaper, condemned the exhibit as violent (see *Newsletter*, July 1981, p. 104). The Security Committee was created in 1979 after an ax attack on a woman in the library. Reported in: *Madison State Journal*, April 29.

etc.

Brighton, Illinois

A Brighton church youth group has destroyed rock music records worth nearly \$2,000 in protest against what Joe Stricklin, youth director of St. Paul's United Methodist Church, called the immoral lifestyle advocated in songs on the albums. The record-breaking was the latest in a long series of rock record destructions inspired by the traveling seminar, "What the Devil's Wrong With Rock Music?", organized by the Peters brothers, a pair of itinerant preachers headquartered in Minnesota. Members of the church group, who range in age from twelve to twenty, voluntarily chose to destroy the records and listen to nothing but Christian music, Stricklin, a self-proclaimed born-again former drug user, explained. "Christians have sat around too long," he added. Reported in: *St. Louis Post-Dispatch*, June 16.

Indianapolis, Indiana

Beset by opposition from law enforcement agencies and neighbors, the promoter of the Miss and Mr. Nude Indiana Pageant announced July 10 that he would cancel the event, scheduled for two days later. The cancellation statement, made under oath at the insistence of the Marion County Sheriff's Department, came during a hearing before Judge Richard Milan. Sheriff James L. Wells had filed for a restraining order and permanent injunction to halt the event. During the hearing, a sheriff's deputy said, "The nudity thing doesn't enter into it. We just thought it was a safety hazard." Reported in: *Indianapolis Star*, July 11.

Boston, Massachusetts

Doonesbury has been banned in Boston—at least for a day. On June 21, the *Boston Sunday Globe* announced the paper would drop the popular comic strip's June 28 segment because it contained a "kind of Polish

joke." Meanwhile, editors of the *Evening Gazette* and the *Sunday Telegram* of Worcester said they would cancel the strip by cartoonist Garry Trudeau outright. Kenneth J. Botty, editor of the two Worcester papers, told readers the cancellation was "not because of the strip's political jousting, but because we felt Trudeau's constant flirtation with vulgarity had no real place on the pages." The comic strip has been dropped by newspapers before, always to a storm of protest by readers. Reported in: *New York Times*, June 22.

San Antonio, Texas

It may have been a smash on Broadway, but apparently some Texans aren't ready for *The Best Little Whorehouse in Texas*. When the hit musical opened in San Antonio July 21, it was greeted by a picket line organized by the Moral Majority of Texas. The play, based on life at the Chicken Ranch brothel in La Grange, has been on Broadway since 1978. It is being made into a movie with Dolly Parton and Burt Reynolds. "I think it is the most shameful thing we've had come to San Antonio," said Rev. Joe H. West, vice president of Texas Moral Majority. "To have a whorehouse you have to have girls and that means someone's daughters. It's something that's still illegal in Texas and it's condemned by the scriptures." Reported in: *Austin American-Statesman*, July 21.

foreign

Amman, Jordan

The Jordanian government ordered the nation's leading daily newspaper, *Al-Rai*, closed for ten days June 1 for publishing an article "harmful to the public interest and a violation of the press law." The cause of the closure was an article criticizing acting military governor Adnan Abu Odeh for recommending a previous three-day suspension of the paper. That shorter closure was ordered after the paper erroneously reported that the Arab League's economic council had decided to move its headquarters from Jordan. Reported in: *Philadelphia Inquirer*, June 2.

Suriname

The former Dutch colony of Suriname in South America announced July 15 that it would introduce general press censorship "to protect the population against unjust and malicious reporting," according to the Dutch news agency A.N.P., which quoted the Suriname News Agency. Under the new measure, reports about Suriname will have to be passed for publication by the National Information Service, which will judge their political content. Reported in: *New York Times*, July 16.

from the bench



U.S. Supreme Court

In a controversial ruling labelled “potentially staggering” by the two dissenting justices in the case, the Supreme Court decided June 29 that the State Department may revoke the passport of any citizen whenever that citizen’s conduct abroad presents “serious danger to American officials abroad and serious danger to national security.” Specifically, the ruling puts outside First Amendment protection public speeches that are allegedly designed to “obstruct intelligence operations and recruiting of intelligence personnel.”

The far-reaching decision came in a case involving former CIA agent Philip Agee who has actively exposed CIA activities abroad, including revealing the names of agency operatives. The Carter Administration had sought to revoke Agee’s passport two years ago. Last year, U.S. District Court Judge Gerhard Gesell struck down the State Department regulations on passport withdrawal, and ordered Agee’s passport returned. After the U.S. Court of Appeals upheld Gesell’s ruling, the State Department took the issue to the Supreme Court.

Writing for the majority in the 7-2 decision, Chief Justice Warren Burger argued that a passport is like a “letter of introduction” by the government for the traveling citizen, and thus is subject to “national security and foreign policy considerations.” Measures to protect the secrecy of U.S. foreign intelligence operations, the opinion said, “plainly serve those interests.”

The new decision is expected to make it easier for Congress to pass bills sought by the CIA making it a crime for anyone to disclose the identity of U.S. spies or to reveal how the U.S. carries on espionage activity (see *Newsletter*, July 1981, p. 89). But the implica-

tions are much broader than this. The dissenting opinion, written by Justice William J. Brennan, Jr., and also signed by Justice Thurgood Marshall, argued that the ruling “applies not only to Philip Agee. . . but also to other citizens who may merely disagree with government foreign policy and express their views.” The Constitution, the dissenters commented, “protects both popular and unpopular travelers.”

The decision met with swift criticism from many attorneys and legal scholars. Harvard Law Professor Laurence H. Tribe said the court “left a loaded gun aimed” at free speech and travel. Calling the ruling “a disastrous departure from doctrines protecting an open society,” Tribe commented that “the talisman of national security seems to have been invoked as a conversation stopper.”

Prominent civil liberties attorney Floyd Abrams called the scope of the decision “breathtaking.” “It could be read to give the government sweeping authority to deprive citizens of a chance to travel abroad if their purpose or likely effect is ‘damaging to foreign policy,’” he said. Reported in: *Washington Post*, June 29, July 1.

By a 6-3 decision, the Supreme Court ruled July 1 that the government may force television and radio broadcasters to air the campaign ads of candidates for federal office. Upholding a new “right of access” to television airtime, the court said the Federal Communications Commission had the power to order the sale of thirty minutes of prime time to Jimmy Carter eleven months before the 1980 election. The networks had refused on the grounds that the campaign had not yet begun, and the ads would disrupt programming.

Writing for the majority, Chief Justice Burger said “the First Amendment interests of candidates and voters, as well as broadcasters,” are involved in the issue. “We have recognized that ‘it is of particular importance that candidates have the opportunity to make their views known,’” he wrote. While admitting that such a right is not unlimited, he argued that “to justify a negative response, broadcasters must cite a realistic danger of substantial program disruption” and they must “tailor their responses to accommodate, as much as reasonably possible, a candidate’s stated purposes in seeking air time.”

Justice Byron R. White, joined in dissent by William H. Rehnquist and John Paul Stevens, called the new authority a “major departure” from the past which makes “substantial inroads” into journalistic freedom. Reported in: *Washington Post*, July 2.

A household mailbox is an exclusive sanctuary for stamped mail and cannot be used as a convenient deposit point for unstamped pamphlets or flyers from local civic and political groups, the Supreme Court

ruled June 25 in a 7-2 decision. A coalition of suburban New York civic groups had argued that a federal law which makes it a crime to put unstamped circulars in a mailbox violated their constitutional rights under the First Amendment.

In reversing a lower court decision, Justice Rehnquist, joined by four colleagues, concluded that just because an official mailbox is part of the government's nationwide postal system, that does not mean it is a public forum, like a street corner, where the First Amendment would give limited guarantees of access to all those with a message to be heard. Rehnquist noted that the law in question makes no reference to the content of the communications placed in the boxes.

In separate concurring opinions, Justices Brennan and White disputed Rehnquist's finding that the postal system is not a public forum, though they agreed that it was within the purview of the First Amendment to regulate access to that forum to those who pay equally for it. In dissent, Justices Marshall and Stevens argued that a blanket prohibition on unstamped mail impedes the free flow of communication. Reported in: *Washington Post*, June 26.

In a confusing set of five separate opinions, on July 2, the Court addressed the controversial issue of billboard restrictions. In striking down a San Diego ordinance that banned most, but not all, signs, the justices seemed to indicate that laws which ban all billboards may be permissible under the Constitution.

Four Justices, White, Stewart, Marshall, and Powell, said they chose not to address the constitutionality of a total ban. They said a ban on commercial billboards alone was permissible. But no billboard law, they argued, could actually treat political and ideological messages worse than commercial ones, as did the San Diego ordinance, which offered an exemption for some business signs.

In a separate concurring opinion, Justices Brennan and Harry Blackmun voted to strike down the San Diego law, but said "a city may totally ban them [billboards] if it can show" good reason. In separate dissents, Justices Stevens, Rehnquist, and Burger agreed that a total ban was permissible, but so too were the particular exemptions outlined by the San Diego law. Frustrated that the Court had failed to formulate clear guidelines for increasingly embattled planning and zoning bodies, Justice Rehnquist added that "it is a genuine misfortune to have the Court's treatment of the subject be a virtual Tower of Babel, from which no definitive principles can be clearly drawn." Reported in: *Washington Post*, July 3.

On June 1, the court struck down as unconstitutional a Mount Ephraim, New Jersey, ordinance which had barred live entertainment from one of the city's boroughs in an attempt to curb nude dancing. "By

excluding live entertainment throughout the borough, the Mount Ephraim ordinance prohibits a wide range of expression that has long been held to be within the protection of the First and Fourteenth Amendments," wrote Justice White in the 7-2 majority opinion.

The decision trims some of the broad authority the court has previously allowed under local zoning power. In vigorous dissents, Chief Justice Burger and Justice Rehnquist said that "certain forms of activity—factories, gas stations, sports stadia, bookstores, and surely live nude shows" can sometimes be banned by a community to further its own conception of the "decent life." Reported in: *Philadelphia News*, June 2; *Variety*, June 3; *Washington Post*, June 2.

press rights

Savannah, Georgia

A Georgia Superior Court judge has barred a weekly newspaper from publishing articles containing information it gained in court proceedings after a man sued the publication for identifying him as the prime suspect in a murder. Attorneys for the paper have called the ruling a "gag order," claiming it restricts press freedom and threatens First Amendment rights.

Judge Frank Cheatham of the Chatham Superior Court issued the order June 30, prohibiting the weekly *Georgia Gazette* from publishing information gained in pretrial discovery proceedings. Dr. Jack D. Ramsey, Jr., a Savannah dentist, filed suit against the *Gazette* March 16, charging that allegations in an article published five days earlier caused him "immediate and continuing emotion distress" and damage to his professional reputation. Attorneys for Ramsey sought to have the court prohibit the newspaper from disseminating information obtained through court proceedings. The Savannah police have made no arrest in the murder, and say their investigation is continuing. Reported in: *New York Times*, July 6.

Boston, Massachusetts

A Massachusetts law that permits barring press and public from courtrooms during the testimony of minors about sexual assaults does not violate the First Amendment rights of free speech and press, the Massachusetts Supreme Judicial Court ruled June 30. The court affirmed its previously stated view that the state can shield certain victims of sex crimes from testifying, and added that the law allowing children to testify in a closed courtroom also has the purpose of encouraging minors to come forward as witnesses without fear of trauma and humiliation.

(Continued on page 136)

pressure groups and censorship: an annotated bibliography

Compiled by Susan Kamm

Political scientists today prefer to identify organizations whose goals include influencing public opinion (not to mention legislators and regulatory agencies) "interest groups." That term, they argue, is less loaded than "pressure groups." However, when such groups do cross over the advocacy line, the term "pressure group" more graphically describes what they do: They exert pressure on librarians, school administrators, and boards of trustees to force one point of view—and often only one point of view—on others.

The purpose of this bibliography is to survey some of the literature on pressure group movements and censorship from all points of the political spectrum. It lists books, articles, and other sources, including "Notes" or "Comments" from several law reviews. Because this bibliography focuses on the general aspects of groups whose activities may lead to inhibitions on free expression, many of the reports in professional and popular literature of specific instances of censorship have been omitted. For the most part, the bibliography cites materials published after 1978.

Abrams, Michael F. "The FCC and the Electric Church," *Missouri Freedom of Information Center Reports*, No. 415, January 1980.

Traces history of religious broadcasting in the United States from the 1920s. Describes use of radio and television by rightist and fundamentalist organizations. Discusses activities by such groups to influence the Federal Communications Commission on religious programming. Although the report is not concerned with censorship *per se*, it is an excellent analysis of tactics the New Religious Right uses in efforts to affect the content of radio and television broadcasting.

Academy of Television Arts and Sciences. *Proliferation of Pressure Groups in Primetime: Symposium*. Ojai, Calif., May 8-10, 1981. (Edited copies of the conference transcript are available for \$2.00 from the Academy, 4605 Lankershim Blvd., Suite 800, North Hollywood, CA 91602.)

"During the past decade, pressure groups concerned about television programming have proliferated and persisted to the point where they must now be recognized as a permanent part of the television environment. Whether one recognizes their insights and criticism or fears that certain of their tactics may keep important programs off the air, all of those involved in primetime network programming—from advertisers to network executives to members of the creative community—must now deal with pressure groups on a regular basis." This conference was designed to help the television industry "develop more thoughtful and coherent means of responding" to enable those responsible to learn from critics, to resist censorship, and to help educate the public who television programming is intended to serve.

Bennett, William J. "Censorship for the Common Good," *Public Interest*, 1978, pp. 98-102.

Review of U.S. Commission Civil Rights report, *Window Dressing on the Set: Women and Minorities in Television*. Bennett cites reported efforts by Asian, Indian, black and women's groups to change perceived stereotypes in television programming and commercials. He argues the report calls for "nothing less. . . than government censorship of television programming in the United States. . . . Neither television nor democracy will be improved by telling people what to watch."

Black, Martha L. "School Library Censorship: First Amendment Guarantees and the Student's Right to Know; Comment," *Journal of Urban Law*, v. 57, 1980, pp. 523-545.

Analyzes the development of the *in loco parentis* doctrine and the "indoctrination theory," which, the author asserts, are the traditional bases for judicial deference toward school officials' authority. *In loco parentis*—the view that parents delegate their authority to the teacher—originated in English common law and developed in the United States. The "indoctrination theory" maintains that local school boards must have broad discretion in shaping children's minds to achieve socialization and to develop academic ability. Since parents elect local school officials, courts tend to uphold school board actions whenever they find a reasonable educational basis for their actions. However, the courts have also held that "personal attitudes and values of individual parents 'must not be allowed to stifle the free interchange of ideas in public school needed to achieve the goals of the educational system.'"

Bull, Barry L. "Constitution, Liberal Theory, and Textbook Bias," *Educational Forum*, v. 49, January 1980, pp. 147-163.

Analyzes the movement toward adopting non-biased textbooks, i.e., those which do not perpetuate stereotypes based on race, ethnic origin, or sex. The author argues, however, that "political and ethical commitments do not preclude. . . expression of and action upon [concern for bias] through policy. . . these commitments do not allow . . . adoption of policy or precedures willynilly." He concludes that those charged with selecting textbooks must be mindful of other values while changing the treatment of group representation.

Carlson, Ken. "Censorship Should Be a Public, Not a Professional Decision," *Social Education*, v. 42, 1978, pp. 118-120.

Carlson contends that censorship is a matter of values—and to say that educators are more expert at making value judgements is to say their values are better than those of the general public. However, educators' values are as varied as those of the population at large. Censorship by professionals "is the deliberate suppression by an individual teacher in the classroom of facts or theories or artistic works because they violate his or her moral or aesthetic sensibilities. Such censorship [is] to the detriment of students no less than that practiced under public auspices. . . . In resisting public censorship, teachers may merely be demanding the right to engage unhindered in the profession of their personal prejudices."

Crawford, Alan. *Thunder on the Right: The "New Right" and the Politics of Resentment*. New York: Pantheon Books, 1980.

Crawford, a young, conservative journalist, is alarmed at what he sees and hears on his right. He says, "Without political party or organizational base in the 1950s and 1960s, the New Right is now an institutionalized, disciplined, well-financed political network. He identifies and describes the New Right's leaders, its umbrella groups, youth organizations, women's groups, tax-exempt foundations, public-interest law firms, fundamentalist Protestant allies, periodicals, and fundraising apparatus. Crawford argues that the New Right has no positive program but flourishes on backlash politics, seeking to veto whatever threatens its vision of its way of life. He contends the New Right is not truly conservative, but it feeds on social protest and encourages class hostility. An essential road map to groups which are now among the most vocal, active, and well-organized sources of censorship pressure.

Davis, James E., Editor. *Dealing With Censorship.* Urbana, Ill.: National Council of Teachers of English, 1979.

A collection of essays analyzing the current climate, issues and pressures, and methods of handling censorship problems. Although this book is designed for an audience of teachers—specifically English teachers—it is useful for all who are concerned with censorship problems. Includes bibliographies and a list of organizations fighting censorship.

Donelson, Kenneth L. "Shoddy and Pernicious Books and Youthful Purity: Literary and Moral Censorship, Then and Now," *Library Quarterly*, v. 51, 1981, pp. 4-19.

Describes the history of censorship, including nineteenth-century librarians' self-perceived roles as censors whose duty was to protect young people from "shoddy and pernicious books." Donelson cites examples of librarians today who circulate only materials which have high literary merit or meet moral criteria. He asserts that librarians and teachers do not have the right to impose their personal literary or moral standards on the public, but rather have a duty to provide materials representing all points of view.

Eick, Charles F. "Constitutional Law—First Amendment—Right to Receive Information—Board of Education's Removal of Selected Books from Public High School Library Violates Students' First Amendment Right to Receive Information, *Minarcini v. Strongsville City School District*, 514 F.2d. 577 (6th Cir. 1976)," *Texas Law Review*, v. 55, 1977, pp. 511-523.

This note concentrates on the *Minarcini* case, although Eick discusses the extension of First Amendment rights to school children and the emergence of a constitutional right to receive information. He argues that *Minarcini* can be criticized on several grounds: (1) personal contact between a communicator and the recipient of that communication is defined generally as "the right to know"; (2) the absurdity that a school board has unlimited discretion in the initial selection of materials but could not have second thoughts about removing it (the "selection-removal" dichotomy); (3) the distinction between curriculum and library control; (4) First Amendment right to receive information requires a balanced library collection; and (5) the "chilling effect" on free expression of the board's decision.

Fahringer, Herald Price. "Obscenity Law: Who Will Guard the Guards?" *Trial*, v. 16, August 1980, pp. 20-22.

The author points out that "most Americans are quick to support the abstract idea of freedom of speech but not the actual idea of freedom." Fahringer discusses censorship of sexually explicit materials, and concludes, "The right to read and see what we choose must include every book, film, magazine, and newspaper, or in the long run it may include none. When our government posts guards over us to watch our morals, then we must ask ourselves the question put to the Romans by Juvenal two thousand years ago—'But who will guard the guards?'"

Heisner, John D. "Censorship: The Fight Against It Goes On," *Instructor*, January 1979, pp. 24-26.

An interview with Edward Jenkinson, chair of the Committee Against Censorship of the National Council of Teachers of English, who distinguishes between an individual parent's right to complain if his child is subjected to reading something he does not think that child should read and those who say that because they do not want their children reading certain books, no one else's children should read

them either. Without naming specific groups, he notes that there are organizations engaging in censorship against such materials as *Values Clarification*, Edgar Allan Poe's "The Raven," dictionaries, and popular magazines. He points out that schools must take such attacks seriously, and should prevent attacks by having a written statement of policy, including the philosophy behind selection of materials and the procedure for choosing them. Everyone in the school system should understand and adhere to those policies.

Hung, Pham Thien. "Parents Protest Textbooks," *Missouri Freedom of Information Center Reports*, No. 401, March 1979.

Using the *Newsletter on Intellectual Freedom* as a source, the author analyzes textbook and school library censorship activity between January 1, 1976 and November 1, 1978. Hung provides a list of recurrent themes used as bases for censorship: (1) Profanity, blasphemy, and "un-Christian" thoughts; (2) Indecency; (3) Encouragement of drug use; (4) Radical liberalism; (5) Bias, particularly "racism," "sexism," stereotypes, derogatory portrayal of racial groups; (6) Undermining family, society, human relations, and traditional values through sex education, descriptions of extramarital affairs, and expressions of un-American ideas; (7) Lack of educational value; and (8) Secular humanism and values revision. The report discusses the role of the Gablers and ethnic and other groups in pressuring for textbook changes. Includes bibliographic footnotes, tables of materials censored (i.e., those removed or to which access has been limited), and sources of pressure.

Jenkinson, Edward B. *Censors in the Classroom: The Mind Benders.* Carbondale, Ill.: Southern Illinois University Press, 1979.

An informed discussion of censorship issues to provide an awareness of the organization and goals of pressure groups so that censorship efforts can be countered effectively. Chapters consider specific censorship incidents, the targets of the censors, identification of organized pressure groups promoting censorship, textbook analysts and their attempts at censorship, the student's right to know and the teacher's right to teach, and ways to protect students' and teachers' rights. (Reviewed in the *Newsletter*, March 1980, p. 30.)

Kaminer, Wendy. "What the Constitution Says: A Woman's Guide to Pornography and the Law," *Nation*, v. 230, June 21, 1980, pp. 754-756.

In an excerpt from *Take Back the Night* (Laura Lederer, ed.; Morrow, 1980), Kaminer says "women can protest pornography with impunity under the First Amendment as long as they do not invoke or advocate the exercise of government authority." Feminists should not push to politicize pornography, as adoption of the "clear and present danger" standard would be more permissive. She concludes that the government power it would take to control pornography would be more dangerous than the power of pornography itself.

Keller, Bill. "Lobbying for Christ: Evangelical Conservatives Move from Pews to Polls, But Can They Sway Congress?" *Congressional Quarterly*, v. 38, September 6, 1980, pp. 2627 ff.

Excellent analysis of the Christian Right and its activities in the 1980 campaigns. Describes the four principal organizations comprising the Christian Right: Moral Majority, Religious Roundtable, Christian Voice, and National Christian Action Council.

Konigsburg, E.L. "Excerpts from My Bouboulina File," *Library Quarterly*, v. 51, January 1981, pp. 68-79.

Konigsburg examines the differences between a textbook author's agreeing to allow stickers to cover parts of her book deemed objectionable by school administrators and a successful writer's agreeing to expurgate portions of his novel to cut costs. She traces the chain of command of censorship with which authors must deal from encounters between the author and editors, publishers, teachers, librarians, and school administrators, and provides examples from each link from her personal file on censorship.

Larsen, Terry J. "The Power of the Board of Education to Censor," *Educational Leadership*, v. 38, November 1980, pp. 139-142.

Larsen discusses several cases in which school boards' right to censor school libraries and textbooks have been denied. The author describes the plan by the Rochester, Michigan school system to inform parents when "controversial" materials will be taught and thus enable them to make decisions affecting their own children.

Marcus, Ruth. "Censorship in the Schools: National Upsurge in Textbook Cases," *National Law Journal*, May 25, 1981, pp. 1 ff.

In describing lawsuits over censorship in schools and libraries, Marcus poses questions judges in such cases must consider: "Should it be harder for boards [of education] to remove library books than those used as assigned classroom reading? Does a decision not to purchase a particular book . . . also violate students' First Amendment rights? Does it violate the First Amendment to remove books solely because they are not to the political or social tastes of the school board, or must civil liberties plaintiffs meet the more difficult test of proving that the removal tends to suppress certain ideas? What about books excluded. . . because of 'obscene' language? How can courts embroiled in such cases avoid becoming 'super school boards' that hear disputes every time a school chooses one textbook over another?" Marcus describes several organizations and individuals involved with censorship—notably the Moral Majority, Phyllis Schlafly and the Eagle Forum, and Mel and Norma Gabler—and notes the possible effects of the proposed Family Protection Act.

Marshner, Cannought Coyne. *Blackboard Tyranny*. New Rochelle, N.Y.: Arlington House, 1978.

Marshner discusses the "educational establishment," including effects of Federal aid and regulation. The chapter on "Guideline for Parent Activists" outlines actions concerned parents can take to accomplish goals of prayer in public schools, revision of school curricula, elimination of school integration, and other desiderata of the Right. Marshner describes alternatives to public education, including *Christian* religious day schools and other private schools. While this book is clearly aimed at imposing the defined goals of the right-of-center upon *schools*, it is an important description of tactics frequently used in censorious assaults on libraries.

Marty, Martin E. "Fundamentalism Reborn: Faith and Fanaticism," *Saturday Review*, v. 7, May 1980, pp. 37 ff.

Marty analyzes and discusses the worldwide fundamentalist religious movement, including the Islamic revolution in Iran and the new religious right in the United States. He concludes it is important to understand both the grievances and impulses which govern fundamentalist religious organizations' actions. Although not specifically a treatment of these religious groups as censors, the article is useful for background on why and how they behave as they do.

Maxson, Marilyn M., and Larry L. Kraus. "Curriculum Censorship

in the Public School," *Educational Forum*, v. 43, 1979, pp. 393-407.

The authors postulate that educational controversies are necessary to American cultural enlightenment. They trace representative controversies—the California Sons of the American Revolution problem in the 1940s and the Kanawha County, West Virginia incident in the 1970s. Maxson and Kraus suggest that a good public relations program is the basis for educators' achieving equal footing with their critics.

Morris, Barbara M. "The Real Issues in Education As Seen By a Journalist on the Far Right," *Phi Delta Kappan*, May 1980, pp. 613-615.

The author castigates J. Charles Park [in his article cited below] for what she calls his "failure to spell out the basic issues of the New Right." These are: (1) Promotion of secular humanism; (2) Usurping parental rights; (3) Use of values clarification and other behavior modification and psychological techniques; (4) Failure to teach basic skills (reading, arithmetic); and (5) Teachers who function as agents of social change. Morris argues that the educational establishment has "betrayed the public trust [and is] digging its own grave"

National Council of Teachers of English. *The Right to Read: An Open Letter to the Citizens of Our Country from the National Council of Teachers of English*. Champaign, Ill.: 1962.

Teachers have a professional right and responsibility to determine the best and most challenging reading for their students. Denying opportunity of choice because of a fear that choice may be used unwisely destroys freedom. Groups and individuals have the right to be selective about their own reading—and to express views for the guidance of others. Teachers use several factors in selecting books: contribution to the reader's education, aesthetic value, appropriateness to the curriculum, and readability for students. The purpose of education is "to develop a free, reasoning person who can make up his own mind, who can understand his culture, and who can live compassionately with his fellow man." (The NCTE is presently developing a revised statement in support of students' and teachers' First Amendment rights in the classroom. The Council expects to adopt such a statement in the fall of 1981.)

National Council of Teachers of English. Committee on Bias and Censorship in the Elementary School. "Censorship: Don't Let It Become an Issue in Your School," *Language Arts*, v. 55, February 1978, pp. 230-242.

Describes forms of censorship: (1) "Selection" resulting from lack of broad knowledge and bias; (2) Deliberate exclusion of certain books; (3) Alteration of books; (4) Required book lists; (5) Suppression of materials as a result of community pressure; (6) Direct edict from authority who unjustifiably orders certain materials be kept out of collections; (7) Deliberate omission, e.g., allegedly stereotypical materials; and (8) Curtailment of funds for controversial materials. The committee provides an outline of factors to be considered in selecting trade books, texts, and other print materials (pamphlets, magazines, and newspapers) and audio-visual media. The article discusses strategy for dealing with censorship, particularly keeping parents informed. Includes "Suggestions for Further Reading."

Naylor, David T. "Censorship in Our Schools—Need for a Democratic Perspective," *Social Education*, v. 40, 1978, pp. 119-122. Some view the purpose of education as maintaining the *status quo*—

schools exist to instill an uncritical acceptance of prevailing systems, values, and philosophies. Others see education as helping students develop into members of society who can analyze and deal with issues confronting them. According to the latter belief, students should be able to develop their intellect, improve their capacity for independent judgement, and examine opposing systems, values, and philosophies and decide which to accept. These conflicting perceptions of the basic purpose of American education give rise to two questions: (1) Who is to make the decision? and (2) What criteria are to be employed? Naylor argues that academic freedom and teacher training and expertise qualify teachers to make the best decision about such issues. Censorship problems must be dealt with under established procedures and standards which predispose towards the right of students to learn and the right of teachers to teach.

Neier, Aryeh. "Victim Censorship: Expurgating the First Amendment," *Nation*, v. 230, June 21, 1980, p. 737.

"The oppressed aggressively exercise First Amendment rights only when trying to interfere with the expression of those whom they see as exploiting their suffering," Neier says. He discusses the feminist crusade against pornography, particularly Andrea Dworkin's denunciation of First Amendment defenders, as "politically self-righteous fellow travellers of pornography." He concludes: "The new censors want to suppress books, magazines, and films without the onus of being labelled as censors."

Park J. Charles. "Preachers, Politics, and Public Education: A Review of Right-Wing Pressures Against Public Schooling in America," *Phi Delta Kappan*, v. 61, May 1980, pp. 608-612.

Park fully describes organizations comprising the New Right (e.g., the Conservative Caucus, John Birch Society, National Conservative Political Action Committee) and their "religious connection" with traditionalist Catholics, Mormons, and other Protestants. He points out that these groups are well-organized, well-staffed, and well-financed—to a great extent resulting from what Park calls "the fund-raising genius of Richard A. Viguerie, a millionaire who controls a computerized mailing list of more than 25 million right-wing supporters." The author argues that society seems to be battling over the rights of free inquiry in a pluralistic democracy versus what he calls "the imposition of certainty from those who claim to possess absolute truth." He concludes, "The protection of inquiry in the classroom constitutes the first line of defense for the continuation of democracy during times of stress and change."

"The Pro-Family Movement," *Conservative Digest*, May/June 1980, pp. 14 ff.

"A special report explains how the pro-family coalition operates, who its key figures are, and why it is a force that could up-end the power structure in America today."

Robinson, Stephen, "Freedom, Censorship, Schools, and Libraries," *English Journal*, v. 70, 1981, pp. 58-59.

Governments have a common denominator: the conviction that the whole is greater than the sum of the parts. Governments are thus justified in pursuing national interests at the expense of the individual. Other forces are public opinion, community standards, and individual prejudices. In pluralistic societies which are culturally and intellectually diverse, suitability of school and library materials may be challenged. Only when schools and libraries create people capable of making choices can democracy survive. Government has a primary

duty to guarantee the right to know, to learn, and to choose.

Schicht, Jack. "Religious Groups Versus Television's Sex, Violence," *Missouri Freedom of Information Center Reports*, No. 416, January 1980.

Analyzes attitudes of Christian religious groups toward portrayals of sex and violence on television. Describes tactics some organizations use to attack the perceived problem of "glorifying sex and violence." The author points out that such groups' influence on *advertisers* is more pervasive than on the broadcast *networks*.

Silber, Richard F. "Off the Shelves and Into the Courts: *Salvail v. Nashua Board of Education*," *New Hampshire Bar Journal*, v. 21, 1980, pp. 373-376.

A discussion of the banning of *Ms.* magazine from Nashua, New Hampshire's high school library. The case involved a conflict between a perceived necessity for administrative autonomy of school officials and the First Amendment rights of people within the school system. Silber points out that libraries—particularly school libraries—should be free from ideological indoctrination and imposed homogeneity of thought. He discusses the procedural and substantive objections to the school board's action, and concludes that restricting student access to materials for political or social reasons is an impermissible infringement of First Amendment rights.

Silverman, Fred. "Pressure Groups and Boycotts," *Vital Speeches of the Day*, v. 44, 1978, p. 175-176.

In a speech delivered before the American Association of Advertising Agencies in 1977, Silverman—then in charge of programming for ABC—saw a contradiction between pressure groups seeking to force programs off the air and their opposition to censorship. He says, "Some pressure groups in our country are staunchly and uniformly for freedom of choice in television. . . as long as the choice is between programs they approve of."

Wohl, Lisa Cronin. "Caution—These Pages May Be Banned in Your School," *Ms.*, v. 9, September 1980, p. 82.

Reports the controversy over banning *Ms.* magazine in the Mt. Diablo (California) School District. A coalition of fundamentalist Baptists, Mormons and conservatives "swiftly organized" the campaign. The school board voted to retain *Ms.* in the library, but to allow students to use it only on written assignment from a teacher and written parental consent.

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(From the Bench . . . from page 136)

The decision, written by Justice Paul J. Liacos, rejected an appeal by the *Boston Globe* of an order by Superior Court Judge Robert V. Mulkern which excluded public and press during a May 1979 trial involving three teenage girls. Reported in: *Boston Globe*, July 1.

Philadelphia, Pennsylvania

In a case that has been widely viewed as a test of the balance to be struck between the rights of criminal defendants and those of journalists, the U.S. Court of Appeals for the Third Circuit ruled May 29 that the defendants in a fast-food franchise fraud trial may not have the full transcripts and tapes of interviews used in preparing a CBS *60 Minutes* broadcast about fast-food franchises. The court ruled the defense was entitled to unbroadcast portions only when these segments could be used directly to impeach the testimony of prosecution witnesses.

The court ruled that the trial judge had erred in March when he compelled CBS to give him a full transcript of the original interview and also in saying that he was required to give all that material to the defense. Reported in: *New York Times*, May 31.

freedom of information

Washington, D.C.

Several hundred thousand pages of documents in the Watergate criminal investigations will remain secret, the U.S. Court of Appeals for the District of Columbia ruled June 23. The records, now in the custody of the National Archives, involve individuals who were investigated but never charged in the scandal, individuals who were not themselves being investigated, but whose names turned up during one of the probes, and the identities of secret sources upon which the prosecutors relied.

The court rejected pleas by the Fund for Constitutional Government for release of documents touching on six different phases of the scandal. The Fund insisted that most of the individuals who are identified in the papers are high-level government and corporate officials whose right to privacy should not override the public's right to know.

"Revelation of the fact that an individual has been investigated for suspected criminal activity represents a significant intrusion on that individual's privacy," the court argued. While insisting that no flat rule could be devised which would apply to every case, the court argued that in this instance the risk to privacy was great enough that secrecy had to be maintained. The court based its interpretation on the exemptions written into the Freedom of Information Act by Congress. Reported in: *Washington Star*, June 24.

pre-trial publicity

San Francisco, California

Former People's Temple member Larry Layton, scheduled to go on trial on charges of conspiracy to murder Rep. Leo J. Ryan, was turned down May 22 in an attempt to prohibit rebroadcast of a fictional television drama about the People's Temple mass murder-suicide. In the original show, a man named "Larry" is shown as Ryan's killer, but U.S. District Judge William Schwarzer said the name had been edited from the rebroadcast and that the film does not focus on Layton. Reported in: *San Francisco Chronicle*, May 23.

prison censorship

Somers, Connecticut

A Somers prison "jailhouse lawyer" has won a federal court battle with the Connecticut Department of Corrections over censorship of a prison newspaper. It was the second federal judgment against the department won by Joseph-Mario Spates, who represents himself in court. Spates is serving 15-30 years for first-degree manslaughter.

The judgment concluded that prison administrators must present some factual evidence of risk of violence or disorder resulting from an article before they can bar its publication. Written by U.S. Magistrate F. Owen Eagan, and signed by District Judge Jose A. Cabranes in early June, the judgment acknowledged that prisoners do not have a constitutional right to inmate newspapers. Once the state permits such papers, however, it may not censor articles for reasons inconsistent with the First Amendment. Eagan added, however, that because of the realities of a prison environment, administrators must have the right to establish guidelines for, and to exercise prior restraint over, such newspapers.

Eagan and Cabranes also said the Department fails to adequately inform inmates of the reasons for rejection of articles. But they rejected Spates' request for an injunction prohibiting all censorship of articles he submits to *The Weekly Scene*, opting instead for an order mandating the administration to reformulate and implement new guidelines. Two years ago, Spates won a federal court suit which required the Correction Department to upgrade its law library. Reported in: *Hartford Courant*, June 6.

church and state

Trenton, New Jersey

Opening public meetings with a non-denominational prayer or invocation does not violate the Constitutional separation of church and state, the New Jersey Supreme

Court ruled June 8. In rejecting a challenge by Paul Marsa, a Metuchen atheist, the justices warned, however, that some prayers with distinctively religious comments would be illegal. Marsa had argued that the traditional invocation or silent meditation at the beginning of borough council meetings unconstitutionally involved local government with religion. According to court papers, council members in Metuchen regularly deliver invocations such as thanking a "Heavenly Father" for the Girl Scouts or praising the right of dissent. The Justices ruled that the context of the invocations and the fact that all persons in the council audiences were not forced to participate allowed the prayer segment "to pass constitutional muster." Reported in: *Philadelphia Inquirer*, June 9.

New York, New York

A rule restricting religious solicitation on the New York State Fairgrounds was held unconstitutional June 3 by the U.S. Court of Appeals for the Second Circuit. Justices Irving R. Kaufman, James L. Oakes, and Henry F. Werker overturned a lower court decision and agreed with the contention of the Hare Krishna movement that the Krishnas' First Amendment rights had been violated. The sect had been restricted under Fairgrounds rules to the solicitation of funds only from an assigned booth. The Krishnas appealed on the ground that their freedom to practice religion was being abridged, specifically because the ritual of "sankirtan" requires devotees to rove among the uninitiated, to inform them of the religious tenets and to solicit donations. "Tolerance of the unorthodox and the unpopular is the bellwether of a society's spiritual strength," Judge Kaufman wrote. "Our openness is legitimately restricted only when underlying motives of deception and fraud hide behind a facade of conscience and religious belief." Reported in: *New York Times*, June 4.

union dissidents

Washington, D.C.

On June 29, in a 3-0 decision, the U.S. Court of Appeals for the District of Columbia ruled that unions must allow their members to post material on union bulletin boards that may be critical of the local or national labor organization. The decision came in a case involving Teamsters Local 515, representing workers at a Chattanooga, Tennessee terminal.

"The importance of protecting the free speech rights of union members has been consistently recognized by courts," Judge J. Skelly Wright said. "Congress intended this free speech right to parallel the rights conferred under the First Amendment; it hoped to secure union democracy by establishing a right to

express dissenting views without fear of discipline." Reported in: *Washington Post*, June 20.

political signs

Salem, Oregon

On May 26, the Oregon Court of Appeals struck down as unconstitutional a state regulation restricting the right to put political signs on private land adjacent to state highways. The court said a Travel Information Council rule forbidding the erection of such signs prior to sixty days before an election violates free speech rights. The state's aesthetic interests, the court declared, aren't sufficient "to justify the significant restriction on political speech imposed." The decision upheld a suit filed by a former Curry County Commissioner, who ran unsuccessfully for Congress in 1980. Reported in: *Portland Oregonian*, May 27.

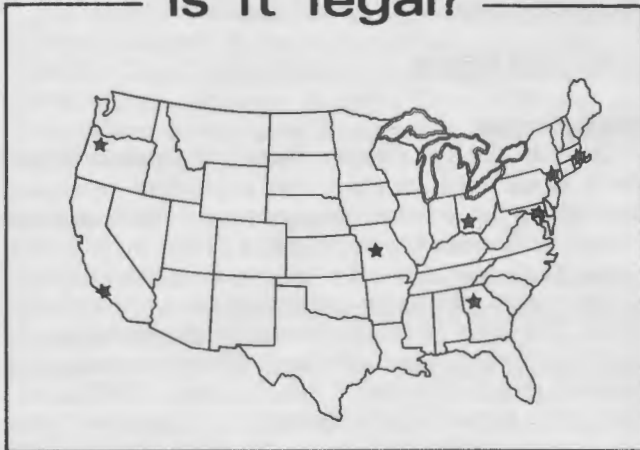
Atlanta, Georgia

Noting that "vulgarity and offensiveness alone are not sufficient grounds for censorship," U.S. District Judge Richard Freedman ruled May 15 that the controversial film, *Caligula*, is not obscene. The ruling cleared the way for the film's Atlanta debut. Fulton County Solicitor Hinson McAuliffe, who earlier this year succeeded in closing down Atlanta's last X-rated movie house (see *Newsletter*, July 1981, p. 110), had sought to ban the violence-filled depiction of the Roman Empire under the decadent reign of Emperor Caligula. McAuliffe appealed Freeman's decision to the U.S. Court of Appeals for the Fifth Circuit, but on May 21 that court refused to stay the order releasing the film for display. The movie opened shortly thereafter to a packed house at the Tara Theater in Atlanta. Reported in: *Los Angeles Herald-Examiner*, May 15; *Atlanta Constitution*, May 22.

Louisville, Kentucky

"If I had been assured that there would be a reasonably speedy trial and that the film would be made available for the trial, the film would not have been seized. It was an absolute last resort. It could have been worked out." These were the words of Judge Thomas O. Garvey, explaining why he ordered sheriff's deputies to seize the film *Caligula* April 28, just moments before it was to debut in Louisville. According to Garvey, the seizure was not prior restraint, but simply an effort to guarantee the film trial. Garvey viewed the picture himself April 24 at the request of county police, who had received complaints against it from the Moral Majority. Garvey did not then rule on the film's obscenity, but did agree it should be held for a jury to judge its acceptability. Reported in: *Louisville Times*, April 29.
(Continued on page 146)

is it legal?



minors access laws

Atlanta, Georgia

"It shall be unlawful for any person knowingly to engage in the business of selling, lending, giving away, showing, advertising for sale, or distributing to any minor; or to have in his possession with intent to engage in the said business; or otherwise to offer for sale or commercial distribution to any minor; or to display in public or at newsstands or any other business establishment frequented by minors or where minors are or may be invited as a part of the general public, any motion picture or live show, or any still picture, drawing, sculpture, photography, or any book, pocket book, pamphlet, or magazine the cover or content of which contains descriptions or depictions of illicit sex or sexual immorality or which is lewd, lascivious, or indecent, or which contains pictures of nude or partially denuded figures posed or presented in a manner to provoke or arouse lust or passion or to exploit sex, lust, or perversion for commercial gain, or any article or instrument of indecent or immoral use."

These words comprise the key operating provision of Georgia Act 785, the so-called "Minors Access" statute, adopted April 17. The statute would make it illegal for persons under the age of eighteen to enter a Georgia bookstore—or even a library—as long as the establishment has on display any of the otherwise legally protected material loosely defined in the act's provisions. The law was to take effect on July 1. But its constitutionality has been challenged in federal court by a broad coalition of national and local groups and individuals, including the Freedom to Read Foundation and the American Booksellers Association. The ABA, which held its annual convention in Atlanta in May, has also resolved to hold no future conventions in Georgia until the new statute is repealed or ruled unconstitutional.

The Georgia act is one of several "Minors Access" proposals pending in state legislatures across the country. According to G. Roysce Smith, executive director of the ABA, "It is obvious that proponents of 'harmful to minors' acts are attempting to go around decisions of the U.S. Supreme Court on censorship. These acts are not designed to protect children. They are really attacking the freedom of adults to choose what they read." A statute similar to the Georgia one—though slightly less restrictive—was adopted in Pennsylvania last year. It, too, has been challenged in a federal court by many of the same plaintiffs who have filed suit in Georgia, including the Freedom to Read Foundation. A third minors access statute was passed by the Colorado legislature in May, but was vetoed by Governor Richard Lamm. Reported in: *Cincinnati Enquirer*, May 31.

church and state

Orange County, California

The ACLU filed suit April 21 against the Saddleback Valley School Board, seeking to overturn its decision to allow Christian religious clubs to meet during lunch hour on two high school campuses. Three parents, three students, and a teacher were named as plaintiffs in the suit.

The controversy began in January after District Superintendent Richard Welte ordered district principals to halt religious club meetings on school grounds. The New Life Club at Mission Viejo High and an unnamed club at Alturo High had been holding sessions involving up to 120 students in classrooms twice a week during lunch hours. The school board voted 4-1 on March 28 to overturn the order, prompting the ACLU action. Reported in: *Los Angeles Herald-Examiner*, April 23.

Boston, Massachusetts

The Rev. William Costello, Catholic chaplain at Sturdy Memorial Hospital in Attleboro, was fined \$1.00 and held in contempt of court April 21 for refusing to testify about a conversation he had at the hospital with accused murderer Peter Kane, on trial for allegedly inflicting a fatal beating on his girlfriend's two-year-old son. Speaking for the Archdiocese of Boston, the Rev. Peter Conley said the church considered the apparently unprecedented contempt citation "a small price to pay for the secrecy of the confessional and the confidentiality of priestly advice." At a pre-trial hearing, Costello said he could not disclose whether Kane's comments to him were "positive" or "negative." He did testify to other conversations where third parties were present. Reported in: *Boston Herald-American*, April 23.

occultism

Gresham, Oregon

Following two hours of testimony from 21 people and the presentation of a petition with nearly 1,000 signatures opposing "occult practices," the Gresham City Council voted June 2 to ban phrenology, palmistry, astrology, mesmerism, spiritualism, clairvoyance, and fortune-telling from the city. The ban is an amended version of a previous ordinance which also banned "practices generally recognized to be unsound and unscientific." The deletion of this phrase from the new law came on the advice of City Attorney Tom Sponsler, who said it was the most legally challengeable aspect of the old statute. He had recommended repealing the former less restrictive, but more vague, ordinance six months before.

Support for the ban came mainly from those who argued that children and the elderly need protection from hucksters and that occultism "violates the moral principles of the Bible." The ordinance does offer one exemption, however. The "occult arts" can be used by churches, schools, or charity organizations to raise money. Reported in: *Gresham Outlook*, June 4.

CIA

Washington, D.C.

Amid a general tightening of access to information relating to security and foreign affairs (see *Newsletter*, July 1981, p. 89), CIA Director William J. Casey has halted a practice of making agency analysts available on a selective basis to answer reporters' questions about non-secret subjects.

In the past, a reporter with questions about international events could telephone the agency's unpublicized information office and ask for a briefing. Sometimes requests were turned down because a subject was too sensitive. Requests concerning a current crisis were also usually denied on the ground that analysts were too busy. But often an appointment was made for the inquiring reporter to talk to an analyst, though not with an operations person or agent. In 1980, there were 125 such briefings. Casey's decision terminates all briefings of this sort.

This tightening of the agency's information policy was decided upon March 27, but was not publicized. It was made public only after reporter Henry S. Bradsher of the *Washington Star* inquired in May about the lack of availability of agency analysts. Reported in: *Washington Star*, May 27.

prisoners' rights

Macoupin County, Missouri

A ban on reading *Playboy* and other "provocative publications" in the Macoupin County Jail has led four inmates to file suit against the county, charging a violation of their First Amendment rights. The original handwritten petition was filed with Circuit Judge Joseph P. Koval April 16 by inmates Greg Morgan, Richard Jones, Charles Rogers, and Bruce Fearing. It charges the inmates are denied access to legal materials and magazines such as *Playboy* and *Easy Rider*, a motorcycle magazine that sometimes contains articles that are considered dangerous, jail officials said. The eighteen-prisoner facility houses neither female prisoners nor juveniles. Reported in: *St. Louis Post-Dispatch*, May 17.

depicting currency

New York, New York

Time, Inc. has sued to block the enforcement of a federal law prohibiting the use of photography and artwork which depict U.S. currency. The suit, filed in federal court in New York, claims that defendants, Secretary of the Treasury Donald Regan, Attorney General William French Smith, and the U.S. Attorney's Office for New York, have wrongfully interpreted the law to prohibit illustrations used primarily for "decorative or eye-catching purposes," and that such restrictions violate *Time's* First Amendment rights.

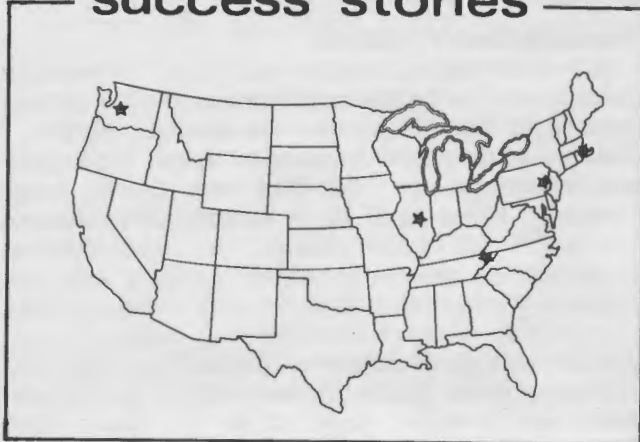
The disputed law bans the printing or publication of any photograph, print, or other impression in the likeness of any portion of any "specimen" of U.S. currency for all but specifically exempted purposes. *Time* magazine has been notified that it has failed to satisfy the requirements for the exemptions and has been threatened with prosecution if it fails to do so. *Time* claims the disputed representations of currency have been used to "symbolize the toll of inflation, to represent economic issues at stake . . . to comment on political scandals, and to convey . . . matters ranging from the place of the American dollar in international commercial markets to point-shaving scandals in amateur basketball." Reported in: *Wall Street Journal*, May 28.

public employees' speech

Cincinnati, Ohio

Officer Wendell Young, president of the Cincinnati chapter of the Sentinels, a national order of black police officers, has filed suit in U.S. District Court challenging the constitutionality of Cincinnati Police Division Rule 1.20. The rule requires police officers
(Continued on page 146)

success stories



libraries

Elizabethton, Tennessee

On April 14, the Elizabethton Library Board unanimously rejected an appeal by local minister Rev. Richard Adams to remove four novels from the library (see *Newsletter*, May 1981, p. 66). The four titles, Sidney Sheldon's *Bloodline*; *The Adventurers*, and *The Inheritors*, both by Harold Robbins; and *Once Is Not Enough*, by Jacqueline Susann, were previously targets of the Rev. Tom Williams' campaign against alleged "pornography" in the library of nearby Washington County, Virginia (see *Newsletter*, January 1981, p. 5).

At the board meeting, Adams requested a public reading of two pages he had selected from *Bloodline*. But board chairperson Teresa Murray told him, "If we don't have time to read a whole 200-page novel, I'm not going to read a portion thereof." Adams then ripped the books apart, declaring that the board's refusal to read the pages "proves that it is pornography." Later, however, Adams told reporters that the board decision would bring to an end his effort to ban the books. Reported in: *Johnson City Press-Chronicle*, April 17.

schools

Philo, Illinois

Characters in Conflict, a collection of short stories, was approved for use in a Unity High School English class next fall when Philo school board members voted 4-3 May 26 to purchase it, despite the objections of some board members that some of its content is unnecessarily grisly.

Twice before, approval of the book was blocked by its opponents on the board. Originally, the board returned the book to the committee of teachers which had recommended it. On May 12, the teachers came back seeking reconsideration of that decision. At that time, the board deadlocked on the issue. Board member John Hausman, absent at the previous meeting, was

present at the third consideration and cast the deciding vote in favor of the book.

The board minority expressed doubts that some of the story selections were "morally worthwhile" or conducive to "good character development." Board president Linden Warfel, who led opposition to the collection, objected in particular to such stories as Edgar Allen Poe's "The Cask of Amontillado" and Richard Connell's "The Most Dangerous Game." Reported in: *Champaign News Gazette*, May 28.

Anne Arundel County, Maryland

A 1980 decision by school officials in Anne Arundel County to ban a student production of the play, *One Flew Over the Cuckoo's Nest*, based on Ken Kesey's novel, has been held unconstitutional by a state hearing examiner. Glenn T. Harrell, the hearing examiner, said officials failed to demonstrate that the play would adversely affect school activities. Rather, he noted, concern seemed to focus on anticipated community reaction, and he added that "private notions of taste" are insufficient criteria for determining the participation of students in such activities. Arthur Smelkinson, a drama teacher at Old Mill High School, had already unsuccessfully appealed last year's ban to the county's Curriculum Review Committee, an assistant superintendent, the superintendent, and the school board. Mr. Harrell heard the appeal on January 30. Reported in: *Baltimore Sun*, May 27.

Laurel, Washington

A seven-member panel of teachers voted unanimously May 5 to reject a parent's request that Aldous Huxley's *Brave New World*, be removed from the curriculum at Meridian High School because "it is smutty." "The fear expressed that the book would lead to moral decay could not be substantiated by data," the teachers declared. Gloria Stieber, whose son read the book for an elective course, had demanded its removal April 20 because she found it "sick and ugly." Reported in: *Seattle Times*, May 6.

press rights

Boston, Massachusetts

The Massachusetts House voted 124-25 June 9 to defeat proposed legislation that would have banned newspapers and magazines from publishing editorials, columns, or news stories without the full legal name of the author. The House Judiciary Committee, chaired by the measure's sponsor, Rep. Michael F. Flaherty (D-South Boston), had given a favorable report to the bill. The proposal's primary supporter during a brief floor debate, Rep. Joseph S. Scelsi (D-Pittsfield), denied the measure was an infringement of the First Amendment. He suggested that some newspaper reporters had told him privately that they supported the measure. Reported in: *Boston Globe*, June 10.

(Censorship increase . . . from page 117)

- The percentage of respondents reporting challenges was fairly consistent across all regions of the country and in all sizes of communities;

- Nearly one respondent in four indicated that the rate of challenges had increased in the 1978-1980 period;

- Nearly one respondent in three indicated that challenges had resulted in changes in the books and materials used, or changes in the educational process, or changes in the environment in their schools. In specifying which aspects of the educational environment were changed as a result of recent challenges, school administrators reported that library materials were affected most frequently;

- Respondents indicated that the local media reported on 15% of the challenges specified; 85% of the challenges received no media attention and remained unreported.

Survey responses of local-level librarians and administrators further indicated:

- In 95% of the challenges cited, the challenges sought to limit, rather than expand, the information and viewpoints in the materials used;

- On the local level, more than 75% of the challenges were initiated by an individual representing him/herself; in slightly less than half of these challenges, the complaints cited sex, sexuality, obscenity, and objectionable language;

- Respondents indicated that in half of the specific challenges, the material was altered, restricted, or removed *prior* to a formal review;

- In more than half of the responses, the final disposition of the incident was that some degree of restriction or censorship was ultimately imposed on the challenged materials.

Perhaps the most significant findings of this local-level survey indicate that many schools not only lack, or fail to follow, written policies and procedures for selecting materials, but also lack, or fail to follow, written procedures for reviewing materials when challenges arise. Schools that follow written selection policies and review procedures appear to resolve conflicts with fewer restrictions on the instructional and library materials available to students, and therefore with less negative impact on the educational environment.

Responses to the state-level survey indicated several contrasts with the local level findings:

- In 17 out of 23 responses regarding state-level challenges, respondents cited groups or individuals representing groups as the challengers;

- Survey responses indicate that challenges to adoption at the state level are generally more organized than those at a local level. In 10 out of 14 state-level challenges cited, the challengers referred to arguments

or viewpoints developed by individuals or groups from outside the state;

- The majority of state-level challenges focused on ideological concerns such as "secular humanism, Darwinism and evolution, and atheistic or agnostic views."

- Approximately half of all state-level respondents interviewed stated that the activities of Mel and Norma Gabler's Educational Research Analysts of Longview, Texas, had influenced recent adoption proceedings in their state;

- Finally, responses to the state-level survey, in particular, have suggested that local and national pressure groups, especially those of the political right-of-center, increasingly attempt to exploit the controversial arena of school book selection for political ends.

Principal author of the survey report was New York-based writer and researcher Michelle Marder Kamhi, who also was research consultant to the study. Technical support and assistance with evaluation were provided by the Research and Evaluation Department of the McGraw-Hill Book Company.

In addition to the three sponsoring groups, five leading educational organizations served in an advisory capacity to the project: the American Association of School Administrators, the American Association of School Librarians, the National Association of State Boards of Education, the National Council of Teachers of English, and the National School Boards Association.

The study was supported by grants from the Scherman Foundation and the Ford Foundation.

The report may be ordered from the three sponsoring groups for \$5.00 per copy (1-4); \$4.00 per copy (5-49); or \$3.00 per copy for 50 copies or more.

Publication of the complete statistical data from the survey will be announced later this year in "Resources in Education" and thereafter will be available from the ERIC Document Reproduction Service.

**notice to subscribers:
index now available**

A three-year cumulative index for issues of the *Newsletter* published in 1978 through 1980 (vols. 27-29) is now available.

Order from:

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American Library Association
50 E. Huron St.
Chicago, IL 60611

\$8 prepaid; \$10 billed. Checks should be made payable to the American Library Association.

(IFC Report . . . from page 119)

Further, the Committee took account of several legislative and administrative proposals which threaten serious limitations on the functioning of the Freedom of Information Act. The Committee considered a statement being circulated by the Campaign for Political Rights. The statement has been endorsed by the Association of American Publishers, which brought it to our attention. The Committee endorses this statement which we now submit for your approval. [The statement was then endorsed by Council.]

Finally, the Committee discussed recent efforts by members of Congress and others to limit access to certain Library of Congress materials for the blind. These efforts, the Committee believes, have serious implications for the maintenance of intellectual freedom in this country. In response, the Committee has prepared a *Resolution on the Reaffirmation of Access for the Physically Handicapped*, which we now submit for your approval. [The resolution was then approved by Council.]

Now, to the revisions of the interpretations of the *Library Bill of Rights*. The revision process has proved to be long and complex—but it has also been a very fruitful one. The Committee wishes to acknowledge the very substantial and useful input received from nearly every unit of the Association. We have tried to synthesize all these recommendations to create policies which represent and serve the broad spectrum of interests of the entire Association. More than a simple updating, these revised interpretations represent, I am convinced, a substantial improvement in several already strong intellectual freedom policies. . . . [The seven revised “interpretations” were moved and adopted by Council.]

Respectfully submitted,

J. Dennis Day

Chairperson

ALA Intellectual Freedom Committee

Challenged Materials An Interpretation of the Library Bill of Rights

The American Library Association declares as a matter of firm principle that it is the responsibility of every library to have a clearly defined materials selection policy in written form which reflects the *Library Bill of Rights*, and which is approved by the appropriate governing authority.

Challenged materials which meet the materials selection policy of the library should not be removed under any legal or extra-legal pressure. The *Library Bill of*

Rights states in Article 1 that “Materials should not be excluded because of the origin, background, or views of those contributing to their creation,” and in Article 2 that “Materials should not be proscribed or removed because of partisan or doctrinal disapproval.” Freedom of expression is protected by the Constitution of the United States, but constitutionally protected expression is often separated from unprotected expression only by a dim and uncertain line. The Constitution requires a procedure designed to focus searchingly on challenged expression before it can be suppressed. An adversary hearing is a part of this procedure.

Therefore, any attempt, be it legal or extra-legal, to regulate or suppress materials in libraries must be closely scrutinized to the end that protected expression is not abridged. *Adopted June 25, 1971; amended July 1, 1981, by the ALA Council.*

Evaluating Library Collections An Interpretation of the Library Bill of Rights

The continuous review of library materials is necessary as a means of maintaining an active library collection of current interest to users. In the process, materials may be added and physically deteriorated or obsolete materials may be replaced or removed in accordance with the collection maintenance policy of a given library and the needs of the community it serves. Continued evaluation is closely related to the goals and responsibilities of libraries and is a valuable tool of collection development. This procedure is not to be used as a convenient means to remove materials presumed to be controversial or disapproved of by segments of the community. Such abuse of the evaluation function violates the principles of intellectual freedom and is in opposition to the Preamble and Articles 1 and 2 of the *Library Bill of Rights*, which state:

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

The American Library Association opposes such “silent censorship” and strongly urges that libraries

adopt guidelines setting forth the positive purposes and principles for reevaluation of materials in library collections. *Adopted February 2, 1973; amended July 1, 1981, by the ALA Council.*

Expurgation of Library Materials An Interpretation of the Library Bill of Rights

Books and other library resources are selected for their value, interest, and importance to the people of the community the library serves. Since books and other library resources are acquired for these reasons and in accordance with a written statement on materials selection, then expurgating them must be interpreted as a violation of the *Library Bill of Rights*. Expurgation as defined by this interpretation includes any deletion, excision, alteration, or obliteration of any part(s) of books or other library resources by the library. By such expurgation, the library is in effect denying access to the complete work and the entire spectrum of ideas that the work intended to express; such action stands in violation of articles 1, 2, and 3 of the *Library Bill of Rights*, which state that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation," that "Materials should not be proscribed or removed because of partisan or doctrinal disapproval," and that "Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment."

The act of expurgation has serious implications. It involves a determination that it is necessary to restrict complete access to that material. This is censorship. When a work is expurgated, under the assumption that certain portions of that work would be harmful to minors, the situation is no less serious.

Expurgation of any books or other library resources imposes a restriction, without regard to the rights and desires of all library users, by limiting access to ideas and information. *Adopted February 2, 1973; amended July 1, 1981, by ALA Council.*

Free Access to Libraries for Minors An Interpretation of the Library Bill of Rights

Some library procedures and practices effectively deny minors access to certain services and materials available to adults. Such procedures and practices are not in accord with the *Library Bill of Rights* and are opposed by the American Library Association.

Restrictions take a variety of forms including, among others, restricted reading rooms for adult use only, library cards limiting circulation of some materials to

adults only, closed collections for adult use only, collections limited to teacher use, or restricted according to a student's grade level, and interlibrary loan service for adult use only.

Article 5 of the *Library Bill of Rights* states that "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." All limitations on minors' access to library materials and services violate that Article. The "right to use a library" includes use of, and access to, all library materials and services. Thus, practices which allow adults to use some services and materials which are denied to minors abridge the use of libraries based on age.

Material selection decisions are often made and restrictions are often initiated under the assumption that certain materials may be "harmful" to minors, or in an effort to avoid controversy with parents. Libraries or library boards who would restrict the access of minors to materials and services because of actual or suspected parental objections should bear in mind that they do not serve *in loco parentis*. Varied levels of intellectual development among young people and differing family background and childrearing philosophies are significant factors not accommodated by a uniform policy based upon age.

In today's world, children are exposed to adult life much earlier than in the past. They read materials and view a variety of media on the adult level at home and elsewhere. Current emphasis upon early childhood education has also increased opportunities for young people to learn and to have access to materials, and has decreased the validity of using chronological age as an index to the use of libraries. The period of time during which children are interested in reading materials specifically designed for them grows steadily shorter, and librarians must recognize and adjust to this change if they wish to serve young people effectively. Librarians have a responsibility to ensure that young people have access to a wide range of informational and recreational materials and services that reflects sufficient diversity to meet the young person's needs.

The American Library Association opposes libraries restricting access to library materials and services for minors and holds that it is the parents—and only parents—who may restrict their children—and only their children—from access to library materials and services. Parents who would rather their children did not have access to certain materials should so advise their children. The library and its staff are responsible for providing equal access to library materials and services for all library users.

The word "age" was incorporated into Article 5 of the *Library Bill of Rights* because young people are entitled to the same access to libraries and to the ma-

terials in libraries as are adults. Materials selection should not be diluted on that account. *Adopted June 30, 1972; amended July 1, 1981, by the ALA Council.*

Statement on Labeling An Interpretation of the Library Bill of Rights

Labeling is the practice of describing or designating certain library materials by affixing a prejudicial label to them or segregating them by a prejudicial system. The American Library Association opposes this as a means of predisposing people's attitudes towards library materials for the following reasons:

1. Labeling is an attempt to prejudice attitudes and as such it is a censor's tool.
2. Some find it is easy and even proper, according to their ethics, to establish criteria for judging publications as objectionable. However, injustice and ignorance rather than justice and enlightenment result from such practices, and the American Library Association opposes the establishment of such criteria.
3. Libraries do not advocate the ideas found in their collections. The presence of books and other resources in a library does not indicate endorsement of their contents by the library.

The American Library Association opposes efforts which aim at closing any path to knowledge. This statement does not, however, exclude the adoption of organizational schemes designed as directional aids or to facilitate access to materials. *Adopted July 13, 1951; amended June 25, 1971; July 1, 1981, by the ALA Council.*

Restricted Access to Library Materials An Interpretation of the Library Bill of Rights

Restricting access of certain titles and classes of library materials is a practice common to many libraries in the United States. Collections of these materials are referred to by a variety of names such as "closed shelf," "locked case," "adults only," or "restricted shelf."

Three reasons generally advanced to justify restricted access are:

1. It provides a refuge for materials that belong in the collection but which may be considered "objectionable" by some library patrons;
2. It provides a means for controlling distribution of materials to those who are allegedly not "prepared" for such materials, or who have been labeled less responsible, because of experience, education, or age;

3. It provides a means to protect certain materials from theft and mutilation.

Restricted access to library materials is frequently in opposition to the principles of intellectual freedom. While the limitation differs from direct censorship activities, such as removal of library materials or refusal to purchase certain publications, it nonetheless constitutes censorship, albeit in a subtle form. Restricted access often violates the spirit of the *Library Bill of Rights* in the following ways:

1. It violates that portion of Article 2 which states that ". . . no library materials should be proscribed. . . because of partisan or doctrinal disapproval."

"Material . . . proscribed" as used in Article 2 includes "suppressed" materials. Restricted access achieves *de facto* suppression of certain materials.

Even when a title is listed in the catalog with a reference to its restricted status, a barrier is placed between the patron and the publication. Because a majority of materials placed in restricted collections deal with controversial, unusual, or "sensitive" subjects, asking a librarian or circulation clerk for them may be embarrassing for patrons desiring the materials. Because restricted collections are often composed of materials which some library patrons consider "objectionable," the potential user is predisposed to thinking of the materials as "objectionable," and may be reluctant to ask for them. Although the barrier between the material and the patron is psychological, it is nonetheless a limitation on access to information.

2. It violates Article 5 which states that "A person's right to use a library should not be denied or abridged because of . . . age. . . ."

Limiting access of certain materials only to adults abridges the use of the library for minors. Access to library materials is an integral part of the right to use a library. Such restrictions are generally instituted under the assumption that certain materials are "harmful" to minors, or in an effort to avoid controversy with adults who might think so.

Libraries and library boards who would restrict the availability of materials to minors because of actual or anticipated parental objection should bear in mind that they do not serve *in loco parentis*. The American Library Association holds that it is parents—and only parents—who may restrict their children—and only their children—from access to library materials and services. Parents who would rather their children not have access to certain materials should so advise their children.

When restricted access is implemented solely to protect materials from theft or mutilation, the practice may be legitimate. However, segregation of materials to protect them must be administered with extreme attention to the reason for restricting access. Too often only "controversial" materials are the subject of such segregation, indicating that factors other than theft and mutilation—including content—were the true considerations. When loss rates of items popular with young people are high, this cannot justify the labeling of all minors as irresponsible and the adoption of prejudiced restrictions on the right of minors to use library services and materials.

Selection policies, carefully developed to include principles of intellectual freedom and the *Library Bill of Rights*, should not be vitiated by administrative practices such as restricted access. *Adopted February 2, 1973; amended July 1, 1981, by the ALA Council.* See also *Free Access to Libraries for Minors*, adopted by the ALA Council June 30, 1972; amended July 1, 1981, by the ALA Council.

Policy on Governmental Intimidation

The American Library Association opposes any use of governmental prerogatives which leads to the intimidation of the individual or the citizenry from the exercise of free expression. ALA encourages resistance to such abuse of governmental power, and supports those against whom such governmental power has been employed. *Adopted February 2, 1973; amended July 1, 1981, by the ALA Council.*

Resolution on the Reaffirmation of Access for the Physically Handicapped

WHEREAS, The *Library Bill of Rights* "affirms that all libraries are forums for information and ideas" and that "materials should not be proscribed or removed because of partisan or doctrinal disapproval"; and

WHEREAS, Library materials and information representing all points of view should be included in library collections and provided in varying formats to serve all people, including those with physical handicaps which prevent them from reading printed materials; and

WHEREAS, These intellectual freedom principles apply to all libraries of all types in this country that serve the public; NOW, THEREFORE BE IT

RESOLVED That the American Library Association reaffirm the principles of intellectual freedom as basic guiding policies for all

libraries, including the Library of Congress, which through its National Library Service for the Blind and Physically Handicapped, makes a significant contribution to free access through the provision of library materials for use by physically handicapped people and

That the Library of Congress continue to provide just and equal service to all; AND BE IT FURTHER

RESOLVED That the American Library Association express its concern in this matter to the House and Senate Appropriations Committees, and to the Joint Committee on the Library. *Adopted by the ALA Council July 1, 1981.*

Campaign for Political Rights Statement in Support of the Freedom of Information Act

On July 4, 1981, the people of the United States will commemorate the fifteenth anniversary of the Freedom of Information Act. It should be quite a celebration.

This statute, unique in the laws of all nations, put an end to the routine secrecy that traditionally surrounded the operational records of our government. With few exceptions, it established a presumption favoring any person's right to obtain access to the records of the federal agencies and departments that administer the law of the United States.

Through its power to open the vaults of government to public inspection, the Freedom of Information Act has helped the American people to expose and eliminate wasteful and corrupt government practices. It has enabled the American people to obtain for themselves the kind of information that an electorate in a representative form of government must have in order to make responsible choices in leadership and policy.

In the years since its enactment, the Freedom of Information Act has become one of the most important means of insuring that the American people can hold their government publicly accountable for the actions it takes in their name. For a nation founded on the principle that governments derive their just powers from the consent of the governed, the value of such a law as a public safeguard against hidden abuse of authority is incalculable.

Like the "self-evident truths" boldly proclaimed in the Declaration of Independence, the Freedom of Information Act belongs to us all. On its fifteenth anniversary, we urge our fellow Americans to learn about it, use it, and preserve it for generations to come. *Adopted by the ALA Council July 1, 1981.*

(Freedom to Read . . . from page 124)

statute and to donate an initial \$500.00 toward its preparation. At the annual meeting, the Trustees endorsed this decision and voted to increase our contribution by an additional \$500.00.

Although the Foundation did not at this meeting enter any additional litigation, requests for assistance were received from individuals in Maine, where the book *365 Days*, by Ronald J. Glasser, was removed from a high school library, and in South Dakota, where the school library target was *Run, Shelley, Run*, by Gertrude Samuels. In both cases, the Foundation Board authorized its officers, staff, and counsel to investigate these incidents further to discover whether litigation is, indeed, called for.

In conclusion, let me say that this will be my final report to Council. After many years on the Board, including four as an elected Trustee and three as president, I am handing over the reins of leadership to William D. North, formerly vice president of the Board and unanimously elected president of the new Board at its organizing meeting. I am confident that the Foundation will continue to have the support of the entire profession, indeed, that this support will grow steadily stronger. As my final words to you, I will urge you once again, as I have each year: if you are not yet a member of the Foundation, by all means join. If you are already a member, consider increasing your donation for next year and, better still, get your colleagues and friends to join as well. In the final analysis, the Foundation belongs to you—it is your legal arm in defense against the censor.

Thank you.

Respectfully submitted,
Florence McMullin
President

(El Salvador . . . from page 120)

Magazine; Nicholas Johnson, chairman, National Citizens Communications Lobby; Mary McGrory, *Washington Star* columnist; Jack Nelson, professor, Social Science Education, Rutgers University; and Sheila Rabb Weidenfeld, writer and television host, producer, and moderator.

The jurors selected the ten top censored stories from a group of twenty-five submitted to them by researchers in a seminar in mass media taught by Jensen at Sonoma State. The final ranking of the stories does not necessarily match the selections of individual jurors.

Anyone interested in nominating a censored story of 1981 for next year's project can send a copy of the story, including the source and date, to Dr. Carl Jensen, Project Censored, Sonoma State University, Rohnert Park, California 94928.

(is it legal? . . . page 139)

to "obtain division approval before representing the division at public gatherings, appearing on radio or television, preparing any article for publication, acting as correspondents to a newspaper or a periodical," and that officers "not make statements which reflect discredit on the division or which adversely affect morale or which are intended to affect the efficiency and productivity of other members."

"Rule 1.20 is unconstitutional on its face," ACLU attorney Robert B. Newman wrote in a brief filed with Young's suit on May 19. Young was formally reprimanded on May 12 for ignoring the rule. Reported in: *Cincinnati Enquirer*, May 2.

dancing

Lynden, Washington

Lynden, a small town of 4,000 near the Canadian border, recently passed an ordinance which banned all dancing from the town. Proponents of the dance ban, including two city councilmen, claim dancing is evil and leads to adultery. The ordinance was upheld by a Whatcom County Superior Court judge in June. An appeal to the State Supreme Court has been promised by opponents of the ban. Reported in: *Variety*, June 17.

(from the bench . . . page 137)

Tarzan

New York, New York

Even as one New York judge was preparing to order the removal of several minutes of apparently erotic footage from the Bo Derek version of *Tarzan, the Ape Man* (see p. 128), another Manhattan Federal Court Judge was quietly ordering *High Society* magazine to recall its July issue from the newsstands because a picture story, "Monkeying Around With Tarzan and Jane," infringed on the Tarzan trademark. Judge Milton Pollack issued a preliminary ruling June 22, and also slapped a gag order on participants in the case.

"There is not the slightest doubt that [*High Society's*] use [of the pictures] is likely to cause confusion, mistakes, deception and dilution in the mind of any viewer of the magazine," Pollack wrote in the order. The judge rejected the magazine's claims that the pictures constituted a form of social commentary protected by the First Amendment. The magazine also pointed out that most of its July issue had already been sold, and that the August edition was about to hit the stands. Reported in: *New York Daily News*, June 26.

intellectual freedom bibliography

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