

newsletter
on
intellectual
freedom



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**intellectual
freedom
in the '80s:
the impact of
conservatism**

At the ALA's 1981 Annual Conference in San Francisco, the Intellectual Freedom Committee, the Intellectual Freedom Round Table, and the Intellectual Freedom Committees of the American Association of School Librarians, the Association for Library Service to Children, the American Library Trustee Association, and the Young Adult Services Division jointly sponsored a program entitled "Intellectual Freedom in the '80s: The Impact of Conservatism." The program explored the impact of America's perceived shift to a more conservative political philosophy and the effect of this shift on library collections and the provision of library services.

Two major speakers and four panelists focusing on target areas of current censorship attempts—sex education, gay materials, family issues, and creationism/evolution—contributed their thoughts on the impact of conservatism on libraries and library collections. Edited versions of their remarks are printed below.

working together: in defense of conscience

By Michael Farris, Executive Director and General Legal Counsel, Moral Majority of Washington State. Mr. Farris has filed two suits affecting libraries. The first suit was filed December 31, 1980, against the Mead School District No. 354 regarding the use of The Learning Tree in the school's curriculum. The second suit, filed on February 20, 1981, demanded that the Washington State Library release the names "of public schools and public school employees" who had borrowed a 21-minute movie entitled Achieving Sexual Maturity (see Newsletter, March 1981, p. 40; May 1981, p. 59).

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J. Dennis Day, Chairperson

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the censorship war: librarians at the battlefront

By Dr. J. Charles Park, Professor of Education at the University of Wisconsin-Whitewater. Dr. Park has studied right-wing pressure groups and public education for fifteen years and has written, among other articles on the subject, "Preachers, Politics, and Public Education: A Review of Right-Wing Pressures Against Public Schooling in America," Phi Delta Kappan, May 1980, pp. 608-12.

As a basic premise I want to suggest that librarians are never more important than when a society is undergoing change, frustration, and confusion. It is precisely during such times that voices of fear and absolutism can be expected to increase—voices that will seek to impose, to restrict, and to make us conform. When we are afraid and confused we tend to limit debate and diversity in our own pluralistic society. Our fear makes us susceptible to demagogues and fear brokers eager to divide us with dangerously passionate certitudes. We must learn to examine how our fear can be used, and we must learn to protect the basic freedoms in our society, to maintain our integrity and our compassion, and to adhere to the rules of evidence. As Ernest Hemingway once observed, "Human beings often undergo much needless fear because they are afraid to search out all the facts."

How clear it is that librarians constitute a vital ingredient in the protection of our society and democracy during times of confusion. The first line of defense for the protection of democracy lies in the rights of inquiry and access to information. How significant our librarians are to our society during times of confusion. You are more important than you may recognize. You need to know it and our society needs to know it.

Change, confusion, and frustration are the breeding grounds for absolutism, bigotry, and anti-intellectualism. We meet today in a climate of increasing tension and increasing levels of censorship across our nation. Schools and libraries have become the targets of religious and political interest groups in a society, as Toffler once observed, that is in the midst of a veritable value vertigo. We are beset by both the left and the right, and what remains important for librarians and educators is to protect the rights of all to access to information. The freedom to learn, to have access to information, is being threatened today. The stakes are high, higher than ever before, for we are all very much in the shadow of a mushroom cloud.

In Michigan, recently, a teacher approached me in tears. She had been called a witch because she didn't talk about God in her classroom. In Ohio, I met an

administrator who had lost fifteen pounds in the last year and was seriously concerned about his health because of the frustration of dealing with local right-wing groups seeking to control the curriculum in his schools. In Indiana, I had a hushed conversation with an educational leader concerned about a Ku Klux Klan chapter that was organizing in his high schools. There are groups targeting our schools and our libraries today. They want material eliminated not just for their children but for all children—the elimination of everything with which they disagree. Such pressures have been with us before, they are with us now, and they will be with us as we step into the frustrating future. It's not easy to deal with such pressures. It takes courage, it takes commitment, it takes heart. If you are looking for heroes in America today you will find them in our libraries and in our schools; they are liberals and they are conservatives, they are of all kinds of religious viewpoints, and they are united in the view that access to information and intellectual freedom are indispensable to America. They are heroes!

The behavior of organizations and individuals who seek to restrict our First Amendment guarantees of freedom are remarkably predictable. They exhibit a marked disregard for diversity in our pluralistic society. Their need for certainty is pervasive in their embrace of absolutist perceptions. This need among some is such that they seek to embrace the rhetoric of charismatic leaders who will tell them what to do. They need to dominate others and to be dominated in turn by their leader, who is not to be questioned. The strategy of extremism is to breed fear and tension, to divide and exclude. There is a substantial body of psychological data that suggests, however, that underlying the appearance of moral certainty and clear perception in true believers is a fear of self, due in part to an early childhood training marked by stern punishment and unbending standards that teach power rather than logic in dealing with challenges. For many, the world is divided into two separate and warring camps of right and wrong. People are either good or bad, either in possession of the truth or not. This attitude is often accompanied by sexual fears and other psychological aberrations. The cry against sex education and homosexuality often carries with it some very interesting psychological dysfunctions.

It is within the context of these perceptions that we can begin to recognize that for some, democracy, freedom of thought, and the right of citizens to learn to think critically for themselves is a threat to certainty. Within the literature of the right and within the behavior pattern of many, but not all, on the right is the perception that schools and libraries should not be means of discovering about the self and the

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on being prepared: the Saskatoon story

By Marion Pape, Young Adult Librarian, Saskatoon (Saskatchewan) Public Library. In the spring of 1980, the Saskatoon Public Library held a multi-media program on human sexuality which aroused considerable interest and controversy within the community. Ms. Pape recounts the purposes, the history, and the outcome of this program.

I bring you greetings from the Canadian Library Association Intellectual Freedom Committee and a group formed in Canada just this year called the Young Adult Services Interest Group, or YASIG. We follow what's going on in America very closely. We have some of the same problems that you have, although we don't always have the same political contacts, as you are no doubt aware. One of the reasons I'm particularly pleased about being invited to speak to you today is that we traditionally reverse this situation and invite Americans to speak to Canadians about how to deal with certain issues, something the Young Adult Services Interest Group has been doing as well. It's also delightful for me to be here talking to you about some of our problems because we have much more in common, I think, than many of us are sometimes aware of. (Although you didn't elect Norman Horrocks as your president!)

First of all, one of the things that I have been very aware of in dealing with young adult services—and also in any library context, I suppose—is that one of our strong abilities as librarians is our good training in selecting materials. We know how to do it! But one of the problems is that once we have selected materials, we often, for a variety of reasons, don't quite know how to deal with them, or don't know how to disseminate them, or don't know how to make them seem informative and important to our public. I think this is particularly true in dealing with young adult and human sexuality materials. I think there is little chance that young people are going to come up to a young adult librarian and say, "Could you give me a book on sex?" They really want the information, but they don't particularly want to expose themselves in an institution that, you'll have to admit, is not terribly "cool" for teenagers to come to. I think it's important for us to realize that we have to do more than put these materials on sociology shelves or health shelves or whatever. This is what I was attempting to deal with in the program that I'm going to talk to you about today.

The program, held last year in the spring, was a full-day, intensive display of multi-media materials on human sexuality. We also provided booklists. We've been fairly active in working with a large number of community groups and, in this case, we were also working in cooperation with family life people, Planned

Parenthood, and a variety of other organizations that are interested in the same topic.

We knew that this was going to be a sensitive issue. There had been a confrontation two years before, when a similar project on gay materials was made available in cooperation with the Gay Liberation League in Saskatoon. So we were aware of some of the precautions we had to take. In such situations, you make sure that everybody in your institution—not just the librarians—is aware of what is happening. You alert the administration as to exactly what your intentions are.

We are a fairly autonomous library in Saskatoon; I think that's part of our strength. We felt that it was our obligation to inform the administration and the library board about the materials that we were making available. In addition, through mailings and phone calls, we also contacted a broad base of the community to alert them to the display we were presenting. Two days before the Saturday session, we invited anybody who was interested—teenagers, parents, community workers, and a broad base of professionals—to come and see the large amount of new materials we had accumulated, as well as some old materials, all of which had been put together into a balanced program (at least balanced according to our estimate, which is something I will talk about a bit later). On the same day, a press release was issued to the media from an organization in Canada known as Renaissance International. I haven't found Renaissance in any other country, so I'm not very sure if the "International" is legitimate, but it is an organization based in southern Ontario, which is a hotbed of censorship issues right now.

Like the Ku Klux Klan, which has begun to organize in Saskatoon High School, Renaissance members have spread themselves across the country and have set up chapters everywhere. Renaissance was also responsible for recently banning a book in the Ontario Grade 13 curriculum. The book was by Margaret Lawrence, who just won the Order of Canada Award and is one of Canada's finest authors. (The Grade 13 curriculum is the university entrance curriculum in the English program.) We knew that Renaissance was dangerous—if it can get that kind of thing to happen, you have to pay attention to what it is doing.

The press release got us the best publicity we had ever seen for our program. The phones started ringing and the reporters started coming. We knew something was going to happen, but we had no idea it was going to be that extensive. Fortunately, as I said earlier, we were very well prepared, and I think the strength of the whole program was the support we got from our chief librarian.

I should give you a bit of background as to why our chief librarian was so conscientious about making sure that this kind of program was presented in our

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Ms. magazine: the devil at Mt. Diablo

By Reverend Peter Christiansen, Minister, Unitarian-Universalist Church, Pittsburg, California. The Rev. Christiansen testified at a public hearing in defense of the presence of Ms. magazine in the Mt. Diablo Unified School District Libraries and its use as a resource by an Ygnacio Valley High School English teacher (see Newsletter, May 1980, p. 50; Sept. 1980, p. 97). That experience served as a basis for the Rev. Christiansen's discussion of family issues and censorship pressures.

A year ago, across the bay from San Francisco, in Contra Costa County, a group calling itself the Committee for Improvement of the Public Schools—a group made up exclusively of Christian fundamentalists—launched a well-financed media blitz in the local newspaper, calling for the removal of *Ms.* magazine from the Mt. Diablo High School Library.

A formal complaint was filed, and the school district convened a blue ribbon panel of teachers, parents, and administrators to hold public hearings on the controversy.

To support its call for removal of *Ms.*, the Committee for Improvement of the Public Schools cited a number of specific articles that had appeared in the magazine which the Committee alleged were obscene and vulgar, condoned pornography, denigrated sound moral and social values, denied a personal god, and downgraded the family.

I was invited to testify at this public hearing to, among other things, deal with these specific charges.

After reviewing the material that the Committee members claimed was pornographic, obscene, and anti-family, I was forced to conclude that the Committee's disregard for the truth was as reckless as its disregard for the constitutional guarantees of the *Bill of Rights*. It was obvious at the outset that either the members of the Committee had not read the articles they referred to in their complaint and had been misled and misinformed as to the content of those articles, or they had read the articles and were attempting to mislead and misinform the public as to their content.

For example, the Committee claimed that the article "Feminist Notes," which appeared in the May 1980 issue, espoused and encouraged pornography. Actually, the article is a review by *Ms.* magazine editor Gloria Steinem of *Ordeal*, the autobiography of pornographic film star Linda Lovelace. This book review described a humiliating and painful account of fear, sadism, and forced prostitution, and one woman's escape from it. *Ms. Lovelace* wrote the book to encourage other women trapped in similar circumstances to recognize what they are doing to themselves and to break away.

In her review, *Ms. Steinem* criticized people who accept or are indifferent to pornography and its

demeaning exploitation of women, and she decried the fact that there are so few people or organizations that women can turn to for help. The *Ms.* editor called for a vigorous fight *against* pornography. She especially singled out for condemnation a new wave of pornographic films in which victims are physically injured and pornographic films that feature children.

The article was a very moving exposé and a hard-hitting attack on the glorification of pornography and prostitution. The position of the Committee, however, seemed to be that a magazine that speaks out against pornography and prostitution is guilty of promoting pornography and prostitution. This, of course, is analogous to saying that a magazine that informs the public about cancer and what it does to the human body is guilty of promoting cancer.

The Committee cited a second article which appeared in the February issue, but in this instance the Committee even falsified the title of the article. The Committee gave the title as "Street Porn." The actual title was "When Women Confront Street Porn," and the article was a description of the work of an organization called Women Against Pornography, one of the most important organizations working today to combat pornography.

Another example cited by the Committee in their complaint was "No Comment," a monthly feature in *Ms.* Readers and the general public are invited to send in examples of advertising that exploits and demeans women and promotes violent and abusive treatment of women. The particular "No Comment" cited by the Committee showed examples of offensive advertising which had appeared in major magazines and newspapers throughout the country. When I asked if members of the Committee, who so freely condemned *Ms.* magazine for calling attention to these ads, had contacted any of the people responsible for running them, I was answered by a long and chilling silence.

The Committee also demanded the removal of *Ms.* from the high school library on the grounds that the magazine promoted "freedom of lifestyle." Apparently, no one ever told the members of the Committee that this is a free country and that in a free country it is not a crime to promote freedom. Indeed, a respect for freedom of the individual is one of the very things that public schools and libraries are in business to teach.

The Committee, incidentally, also demanded the removal of *Ms.* because the magazine supported a woman's legal right to obtain a medically safe abortion. In effect, the Committee was demanding that the school board join them in overruling the Supreme Court of the United States.

After hearing testimony from both sides in the controversy, the members of the fact-finding panel made

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the lessons of Virginia Beach

By Marcy Sims, Director, Department of Public Libraries and Information, Virginia Beach, Virginia. A dispute over the presence of *Our Own*, a gay newspaper, in the Virginia Beach libraries (see Newsletter, July 1980, p. 75; Sept. 1980, p. 97; Jan. 1981, p. 6; March 1981, p. 37; July 1981, p. 88) serves as a focus for Ms. Sims's remarks.

When I was asked to participate in this program, my first dilemma was defining what is "gay material"? I've never gotten a complaint on one of Anita Bryant's books, yet the subject matter is certainly homosexuality and the gay lifestyle. Obviously, would-be censors have been concerned with only one side of the issue. It is that side of the topic of homosexuality that presents an accepting, tolerant, and supportive stance toward the gay lifestyle and gay rights. And this has made libraries in several sections of the country the targets of censorship attempts. For me, this situation represents the crux of the censorship problem—the attempt by one group or individual to prevent all other groups or individuals from gaining information on a point of view.

We heard today that we live in a rapidly changing society. We must contend with inflation, energy, social uncertainties—and all this makes for the growth of organizations who seek simple solutions to society's problems. Conservative groups which support the "pro-family" platform consider homosexuality as a chosen lifestyle to be both immoral and unreligious and to pose a threat to the traditional family structure. I believe that those who view the gay lifestyle as unacceptable also see the public library as advocating or supporting or legitimizing this lifestyle simply by making pro-gay rights materials available to the public.

I would like to back up for just a moment and talk briefly about the conflict that occurred in Virginia Beach. Virginia Beach is almost a microcosm of the country as a whole. It's a rapidly growing, rapidly changing area, which has a diverse mixture of people and interests. Many observers are surprised that a censorship issue would occur in Virginia Beach, since we have a relatively high income and education level. But I believe that if any factor in our environment can be pointed to as the source of the answer to the question "Why Virginia Beach?" I would have to point to rapid change, which sociologists say produces an uncertain, confused, and uncohesive society.

Prompted not by a patron complaint but rather by a small article in the local edition of the *Tidewater* newspaper, several fundamentalist ministers in the area protested the inclusion of *Our Own* in the public library. *Our Own* is a newspaper by and about the local homosexual community, published in Norfolk, Virginia, our neighbor. For over a year and a half

prior to the newspaper article, *Our Own* rested comfortably in the community information section of the Virginia Beach Public Library, where it was available for pickup by library patrons. The newspaper was and is also available at the Norfolk and Portsmouth, Virginia, Public Libraries, our next-city neighbors. With the number of complaints coming into city council as a result of the newspaper article, council members requested that the library board make a recommendation to them regarding the treatment of the publication.

Amid a crowd of approximately 400 people, the library board heard 20 statements from citizens, both for and against the publication in the library and homosexuality as a lifestyle. The board voted 8-2 that *Our Own* would stay. When the city council dealt with this issue, six motions appeared on the floor: 2 to ban the publication completely, 2 to accept the library board's recommendations, and 2 to "receive" the library board's recommendations. After all the motions failed, the mayor ruled that the library board recommendations would stand.

Then an organization formed, under the auspices of one of the fundamentalist churches, called the Coalition for the Family. Virginia Beach has an unusual section in its code which calls for an advisory referendum on the ballot should 25 percent of the voters in the last election sign a petition. Since our last election had been a councilmanic election, only 7,000 signatures were needed. The Coalition for the Family secured enough signatures to put the question on the November 4, 1980, ballot: "Shall publications whose *primary purpose* is to depict or advocate, by picture or word, homosexual acts be received, displayed, or distributed in the public libraries in Virginia Beach?"

Since the question was obviously a loaded one, similar to "Do you still beat your spouse?"—a question to which a yes or no answer is not appropriate—and because many citizens and groups had stated publicly that the wording of the referendum did not apply to *Our Own*, the Friends of the Virginia Beach Public Library believed its best strategy was to encourage voters to ignore this question altogether. With the financial help of the Virginia Library Association and the American Library Association, ads and brochures were printed with the theme, "Why no Vote is Better than a No vote." Approximately 48,000 voted no, 14,000 voted yes, and 17,000 voted in the election but abstained on the question. In other words, about 60 percent voted against receiving the publication, and 40 percent voted for receiving it or did not vote at all. Although no action has been taken to date, members of the Coalition for the Family have stated that they intend to appear before city council and demand that council follow "the will of the people and remove *Our Own* from the Public Library."

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creationism is not a science

By William Rogers, Ph.D. candidate, Department of Zoology, University of California-Berkeley. Mr. Rogers addressed the question "Are evolutionary biologists acting as censors when they oppose the inclusion of creationism in science curricula?"

We share this planet with an enormous array of organisms. The source of this biological diversity is a question which has long intrigued people, and today the generally accepted explanation is contained in the body of knowledge known as evolutionary biology. However, a challenge to the evolutionary explanation has arisen from the proponents of so-called scientific creationism, who claim that scientific evidence supports the Biblical account of creation. Evolutionary biologists in turn are critical of the creationists; they have been especially resistant to having creationism presented in the science classroom as an alternative to evolution. Why do evolutionary biologists feel this way? Are the biologists acting as censors?

There is a reason for this resistance: despite calling themselves "scientific creationists" there is nothing scientific about the creationists' views or approaches. Evolutionary biologists do not want creationism to be banned from libraries or from philosophy classrooms. It is simply that creationism is no more science than is Elizabethan literature or French grammar. Creationism misrepresents science and the scientific method of inquiry.

Science and the Scientific Method

Science is one particular means of ordering our perceptions. Science is primarily a system of asking and answering questions about the material world; secondarily, it is a collection of facts and conclusions about that world.

When questions are asked, the scientific method presupposes that the investigator probes without bias. Since no one is completely unbiased, scientists have established rules to insure against prejudiced investigations. The first of these rules may surprise you—a scientist does not try to prove that something is true. Anyone can select evidence to support any claim. Instead, scientists are skeptics; they devise tests to *disprove* ideas. Once all potential contradictions to an idea have been discarded, an idea can be *provisionally* accepted.

The scientist assembles findings into a coherent set of explanations, a generality called a scientific theory. This theory must be stated in such a way that it too can be tested by scientific methods. It must be poked and probed and must itself be rejected (or at least modified) if it does not square with reality. The potential to reject a theory not borne out by experimentation is termed "falsifiability." A corollary to falsifiability is that theories are also predictive: given that A, B, and C are true, D should follow.

Above all, science, as is true of any other human endeavor, only works when it is approached honestly.

Creationism fails on all counts. It is biased, it is scientifically untestable, it is not predictive, and it is dishonest. Creationism does not qualify as science and should have no more standing in the scientific community or in the science classroom than does alchemy.

Creationism's Failings

The question of bias. As far as I know, no one in any mainstream U.S. scientific organization must sign, swear, or affirm an oath of allegiance to that organization or to any religious or philosophical creed as a precondition to joining. I am a member of several professional scientific societies, including the Society for the Study of Evolution. In this organization, "membership is open to all those interested in the study of evolution," period. Give them \$25 and you're a member.

In contrast, the Creation Research Society has a Statement of Belief to which members must subscribe. The Statement begins, "The Bible is the written Word of God and because we believe it to be inspired throughout, all of its assertions are historically and scientifically true in all of the original autographs." The creationists begin with blinders, a bias which prevents them from considering *any* alternatives to strict Biblical interpretations. New approaches, new findings, indeed, the attempt to secure new data are avoided or ignored if they contradict creationist biases. This is patently unscientific; it is an intellectual straight jacket and it is the very antithesis of intellectual freedom.

Falsifiability. The most salient feature of science is the concept of falsifiability of theory. Nothing can be proven absolutely. A theory, however, can be disproven by contrary example. A theory is not scientific, therefore, if we cannot honestly test it and thereby have the chance to disprove it. Darwin understood this. For example, he wrote in the *Origin of Species* that if anyone could demonstrate that an organism possessed an organ or structure solely for the benefit of another organism "then my theory will be annihilated." Those are strong words. Evolutionary biology, like other scientific disciplines, proceeds by making explicit the manner in which hypotheses and theories can be tested and disproven.

On the other hand, "scientific creationism" has not to my knowledge ever posed an experiment to test any feature of the creationist program. In fact, in his creationist book *Evolution—The Fossils Say No!* (1978), Dr. Duane Gish states: "By creation we mean the bringing into being by a supernatural Creator of the basic kinds of planets and animals by the process of sudden, or fiat, creation. We do not know how the Creator created, what processes He used, for *He used processes which are not now operating anywhere in the natural universe.* This is why we refer to creation as
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AAParagraphs

what they said about what we said

By Richard P. Kleeman, Director, Freedom to Read Committee, Association of American Publishers

Reportage in the media about the report *Limiting What Students Shall Read* (see *Newsletter*, September 1981, pp. 117, 141-46) has been voluminous and diverse—if not altogether friendly. Issued in late July, the report is the result of an intensive study by the Association of American Publishers (AAP), the American Library Association (ALA), and the Association for Supervision and Curriculum Development (ASCD) of the selection and removal of books and other learning materials in the nation's public school libraries and classrooms.

Except for the very first televised mention—a breezy, semi-accurate item by Dan Rather on the "CBS Evening News" of July 20—keeping track of broadcast media coverage is, of course, difficult. But it seems safe to say that the issues treated in the report have been and continue to be the subject of multitudinous radio and TV interviews, documentaries, and call-in shows. Not all of these, of course, were triggered by our report—censorship has always been a hot topic and probably always will be—but there is little doubt that the report helped to reinvigorate lively public debate on this subject.

The report got widespread news-page coverage in general and specialized newspapers and magazines. Its issuance was reported on both AP and UPI national news wire services and thus in major newspapers everywhere; it was also covered in education organs and journals, ranging from Washington's established and respected *Education Daily* and *Education USA* to the brand-new *Education Week*. Many other general education publications, as well as such specialized organs as *Teacher Education Reports* and *Educational Marketer*, carried stories.

If the published accounts had one common failing—and there were some exceptions—it was that they tended to project results of the survey to the "universe." ("Censorship of Books Tried in One-Fifth of All Schools," read a headline in the ill-fated *Washington Star*.) In doing so, they failed to observe the report's caveat that "neither the report itself nor the survey data should be taken as precise indicators of the rate or impact of censorship pressures nationwide." The temptation to extrapolate was understandable; even the report itself acknowledged in the same paragraph that "experiences reported here by a meaningful number of school administrators and librarians warrant concern in themselves and may well reflect a more general situation extending beyond the sample."

Beyond general press accounts, there were a number of unusual and reader-catching treatments. *Glamour* magazine, citing the APA/ALA/ASCD survey, undertook one of its own. "Tell Us What You Think About Banning Books," *Glamour* readers were urged in a full-page questionnaire.

The New York Times, in an editorial entitled "Bullied Books," cited specific books found on the list of challenged works (including the *American Heritage* and *Webster's Collegiate* dictionaries) and concluded: "The lesson seems clear. At a time when censorship in America's public schools is becoming a national concern, written procedures and continuing community discussion can save much energy—and many a book." One exceptionally catchy approach was that of "Front Lines," a column in the National School Boards Association's *Executive Educator*. Noting the survey finding that school systems with established policies for selecting and reconsidering books handled challenges more equably than those without (long an article of NSBA faith), the *EE* column began: "If you're the administrator of a school system that still doesn't have formal written policies and procedures for selecting textbooks and library books—and for handling censorship challenges to selected materials—one could assume that, as a child, you enjoyed playing with matches."

Editor Art Seidenbaum of the *Los Angeles Times Book Review* saw censorship as an inhibitor of young people's reading—reading anything at all. "Our most important reading problem right now is encouraging young people to do it, not discouraging them from doing it," he wrote in his "Endpapers" column. "There's a lovely literary irony in the supposed new surge toward censorship. The dangers are not living in libraries at all: they're out there, sometimes violent, often indigent and woefully ignorant—on the streets. The enemy is not *In the Night Kitchen*. The enemy is in the mind—untutored, unused."

But, as we've said, not every reaction was totally friendly. Columnist James J. Kilpatrick, in a piece entitled "Not Only the Yahoos," bemoaned the report's lack of a definition of censorship (ever try it?), especially since he found from the report itself that school personnel themselves—and thus not only local "yahoos"—practice it. Citing some books whose value he himself questioned—at least for the grade levels at which they were challenged—Kilpatrick concluded: "My thought is that the opprobrious term 'censorship' ought to be used with greater care. What we are talking about, as often as not, is simply the informed critical judgment of a librarian. If a librarian agrees with a concerned parent that a particular book is too salacious for adolescents and should not be kept on the

shelves, their joint decision would be termed 'censorship,' but that's not what it is. It's something else. It's common sense."

And Noel Epstein, an editor of the *Washington Post* "Outlook" section and longtime thoughtful student of education, might agree with Kilpatrick—up to a point, that being on what works should be in and what out of a public school library. In a piece still unpublished at this writing (but likely to have been in print for some time at your reading), Epstein pleads: "Stop Giving Textbook 'Censorship' a Bad Name." He contends that what the AAP/ALA/ASCD study found was not true censorship, since it was not a Big Brother government decreeing what should or should not be published or read. No one, Epstein contends, will willingly yield up his right to have a say on what young people should or should not be taught in school. Rather, he believes, the real issue is between "good censorship" (i.e., the kind you agree with) and "bad censorship" (the other fellow's), and everyone wants to see the good guys win and the bad guys lose—whatever that means.

Hefner First Amendment Awards presented in Los Angeles

Established in 1979 by the Playboy Foundation, the Hugh M. Hefner First Amendment Awards were presented in Los Angeles in July. Honored for their efforts "to protect First Amendment freedoms," the 1980-81 recipients were:

Government

Morton Halperin for his continuing work as director of the Center of National Security Studies, Washington, D.C., in defense of public access to government information and the protection of privacy rights of citizens.

Motion Pictures and Television

Edward Asner, Allan Burns, Seth Freeman, and Gene Reynolds for their creative contribution to "The Lou Grant Show," and the series' continuing portrayal of the challenges and importance of putting out a newspaper and its continuing commitment to the principles of the First Amendment.

Education

Kathy Russell, director, Washington County Public Library, Abingdon, Virginia, for her courage in preserving the independence of the library's collection and her resistance against attempts to censor books and to identify the readers of certain books.

Law

William F. Schanen III for his role as the

persevering client in the case of *Maynard v. Port Publications et al.* which establishes that a commercial printer cannot be held liable for the content of the publication that is printed unless he knows that the contents are libelous or defamatory.

Print Journalism

Todd W. Crowder, Charles E. Reineke, Georgia high school student editors, and their attorney, William Hoffmann, Jr., for their willingness to challenge high school system officials, and to resist peer pressure in order to defend the freedom of the student press.

Book Publishing

Frank A. Rowe for his book, *The Enemy Among Us*, a volume that poignantly and powerfully describes the devastating personal effect on his life because of his refusal to sign a loyalty oath twenty-seven years ago. And because, unfortunately, this subject is still timely.

The panel of judges included Senator Edward W. Brooke; Nat Hentoff; Fay Kanin, president, Academy of Motion Picture Arts and Sciences; Judith F. Krug, director, Office for Intellectual Freedom, American Library Association; and Professor Charles Nesson, associate dean, Harvard Law School.

One of the awardees, however, almost failed to make the trip to Los Angeles. Having successfully resisted efforts by a Washington County supervisor and an Abingdon, Virginia, minister to remove novels by Jacqueline Susann, Harold Robbins, and Sidney Sheldon from the Washington County Public Library, Kathy Russell was invited to appear on the Phil Donahue show in Chicago. She was willing to pay for the trip herself, use her annual leave time, and state that she was speaking only for herself. Suffering from what it considered to be too much publicity, the Washington County Library Board voted 5-2 in April against allowing her to go.

After Ms. Russell was notified that she had been selected to receive the \$3,000 Hefner Award, the library board took up the issue again. This time, however, the board voted 6-1 to let her travel to Los Angeles and accept the award. Dr. E. B. Stanley, board chairperson, said he had been advised by legal counsel that the board lacked the authority to prevent her from making the trip at her own expense. Reported in: *Roanoke Times and World News*, July 17, 21.

T-men review ban on Cuban books

At the behest of such groups as the ACLU, the National Conference of Black Lawyers, and the Center for Constitutional Rights, the Treasury Department has agreed to review the Cuban Assets Control Regulations of 1963, which prohibits the importation of goods from Cuba, including books, newspapers, and magazines.

The plea was submitted after the Treasury Department invoked the regulation in May. According to Harold A. Mayerson, counsel for the CCR, the department "renege" on its promise to rescind the regulation, at least as it applies to publications. Treasury spokesperson Robert Levine denied the charge.

Subscriptions to Cuban magazines and newspapers are also illegal under the Trading with the Enemy Act of 1917, according to Treasury officials, who recently blocked delivery of 30,000 copies of Cuban publications in Boston. Exemptions are reserved for subscribers licensed by the Foreign Assets Control Office (see *Newsletter*, September 1981, p. 123). Reported in: *New York Times*, August 21.

"dirty" Donahue draws daggers from decency delegation

Chicago-area-members of the Rev. Donald Wildmon's Mississippi-based National Federation of Decency have drawn their censorship shotguns on Phil Donahue, whose nationally syndicated talk show typically deals with controversial subjects. Charging that Donahue is too preoccupied with sex, especially "abnormal" sex, the NFD plans to monitor the show, keep an ear out for racy discussions, and, if the quantity of televised smut exceeds the allowable limit, boycott the sponsors.

Reviewing 5 weeks of Donahue shows, a *Chicago Tribune* columnist discovered that very few are indecent and that therefore the NFD calculation of forty percent is mistaken. "By my count," said the investigator, "unless you put Harry Belafonte, Bo Derek, and professional wrestling in the sex category, Donahue tackled only four shows that could remotely be considered sexual. That's four out of twenty-five, if you count breastfeeding and sterilization." Still, Sylvia Wagner, spokesperson for the NFD, believes that Donahue does dirt an average of twice a week. Reported in: *Chicago Tribune*, August 5.

sticking it to them

According to Rapides Parish Police Juror Paul Moreau, scatological terms and double entendres on bumper stickers are offensive to a majority of people in the community. So he intends to see what can be done. Moreau plans to consult a lawyer, draw up a resolution, and present it to the parish Police Jury. He said that those who display the more offensive stickers are the sort of people who use drugs and generally raise hell. Jury President L. B. Henry, who contends that smutty stickers erode the values of society, will support Moreau's efforts. A clerk in an

Alexandria, Louisiana, store which sells some of the milder varieties of bumper porn, said that most of those who buy stickers are housewives or college students—normal, everyday people. "I don't think they could enforce it," the clerk added, because once a sticker is on, it's hard to get off. Reported in: *Alexandria-Pineville (La.) Town Talk*, July 31.

Connecticut passes confidentiality law

Connecticut has become the ninth state to pass statutory protection for library circulation records from the freedom of information and public records statutes. On July 9, the Senate and House of Representatives in the Connecticut General Assembly concurred on the proposal, and it was signed by Governor William O'Neil. The exemption now becomes part of the Connecticut Freedom of Information Act, effective October 1. The new law (Public Act No. 81-431) states that "personally identifiable information contained in the circulation records of all public libraries shall be confidential." Connecticut joins an expanding list of states—California, Florida, Iowa, Maryland, Minnesota, Nevada, and Virginia—which have exemptions in their state laws protecting the confidentiality of library records.

FCC requests repeal of equal time law and fairness doctrine

In early September, CBS/Broadcast Group president Gene F. Jankowski sent a letter to the FCC calling for an end to federal regulations requiring broadcasters to provide equal time for opposing sides on controversial issues. In his letter to Mark S. Fowler, new FCC chairperson, Jankowski particularly objected to the application of such regulations to broadcast but not print media. He also questioned the need for the "reasonable access law," the "personal attack rule," and the "political-editorial rule," all of which have been rendered illogical, he claimed, since the advent of cable television and satellite communications.

Accused by the Friends of the Fairness Doctrine of having become "the lobbying arm of the broadcast industry," the FCC, though "bitterly divided," voted to request that Congress do what CBS and other members of the National Association of Broadcasters want it to do: eliminate the regulations. In asking for repeal of both the equal time law and the fairness doctrine, chairperson Fowler said, "Today we strike a blow in the cause of freedom." Commissioners Joseph Fogarty and Abbott Washburn, who voted against the FCC proposal, apparently disagreed. It is not known how Congress will react. The mood in Washington is right for all kinds of deregulation. But the fairness

doctrine, which deals in part with access to air time for federal candidates, hits close to home on the Hill. Reported in: *New York Times*, September 9; *Wall Street Journal*, September 18.

Mississippi school districts choose controversial history textbook

For nearly two decades, the Mississippi State Textbook Purchasing Board made available to public and parochial schools only one state history textbook, *Your Mississippi*, by John K. Bettersworth. In 1974, James W. Loewen and Charles Sallis, Mississippi college teachers and authors of an award-winning ninth-grade history text, *Mississippi: Conflict and Change*, heard that their book had not been approved by the board's white majority because of its greater coverage of the role of blacks and the civil rights struggle in Mississippi history. In 1976, a group of public and Catholic school teachers, students, and parents filed suit against the governor, the state superintendent of education, and members of the state board for allegedly approving racially biased textbooks and for rejecting Loewen's and Sallis's book on illegal grounds (see *Newsletter*, March 1976, pp. 47, 50; November 1979, p. 137).

In 1980, U.S. District Judge Orma R. Smith found that the state board had no justification for rejecting Loewen's and Sallis's book and that the authors had been denied the rights of freedom of speech and press (see *Newsletter*, July 1980, p. 86). Renamed and reorganized by the 1981 state legislature following a report that some members of the board, its executive secretary, and the state education superintendent privately sold review copies of textbooks received from publishers, the State Textbook Commission recently announced that 20 of the state's 153 public school districts and Jackson parochial schools intend to use *Mississippi: Conflict and Change* either in the current school year or in the near future. Reported in: *Jackson Clarion-Ledger*, July 24.

brief Bible bothers biggest Bible buffs

When the *Reader's Digest* recently announced its plans to publish a condensed version of the Bible, the New York chapter of the Moral Majority called it sacrilegious. Continuing its long tradition of abbreviating all kinds of books, the publishing company intends to reduce the Revised Standard Version by forty percent. With "line-by-line cutting" instead of whole passage excisions, Jack Walsh, editor of the project, anticipates "great interest" in the work.

"Many people want to read the Bible but never have because of its length and complexity," he said.

The Rev. Daniel Fore, spokesperson for the New York Moral Majority, considered the cut-and-paste job to be a form of censorship: "It's censoring God." His organization will not try to ban the book, Fore said, but will recommend that it be neither bought nor read. Neither the Rev. Jerry Falwell, president of the Moral Majority, nor the book's author were available for comment. Reported in: *Chicago Sun-Times*, September 15.

boycott here, boycott there . . .

The Coalition for Better Television, organized by the Rev. Donald Wildmon of Tupelo, Mississippi, is not the only such group flexing its moral muscle and threatening to boycott sponsors of TV programs with too much sex and violence (see *Newsletter*, March 1981, p. 36; Sept. 1981, p. 123). The efforts of the Coalition were, in fact, anticipated by those of the Clean Up TV Campaign, originating in Joelton, Tennessee, which promised over a year ago to monitor the airwaves in search of "filth, immorality, and sexual perversion." Presumably, the Campaign's "nearly half a million" members, allegedly representing 6,000 churches, have been assiduously watching the small screen for "scenes of adultery, sexual perversion, or incest" and listening for frivolous or facetious treatments of immorality.

If the Campaign succeeds in its attempt to reach that "fifty percent of the American public [which] now feels that immoral television programming is a negative influence on family life," the Nielsen ratings for particularly salacious shows could skyrocket. Never before will so many have seen so much. The Campaign even outdid the Coalition by going so far as to list offending sponsors, including General Foods and American Home Products. And members have given their "solemn promise" not to buy approximately 100 different products manufactured by these companies and their subsidiaries.

Although TV violence usually gets at least a nominal mention in the catalogues of objectionable materials distributed by these groups, it usually takes a back seat to sex. For persons concerned about violence but not necessarily sex, the National Coalition on Television Violence, Decatur, Illinois, puts out a bi-monthly fact sheet called *NCTV News*, which summarizes the results of statistical studies (acts of TV violence per hour per network, numbers of teen suicides related to TV violence, etc.); requests information on violence in books and films, as well as on television; lists sponsors of offending programs; and raises funds

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books and bookstores: the moral squeeze

By Maxwell J. Lillienstein, General Counsel, American Booksellers Association

Angry at change . . . , absolutistic in morality they threaten through political pressure or public denunciation whoever dares to disagree . . . and they presume to know which books are fit to read, which television programs are fit to watch, which textbooks will serve for all the young. . . .

—A. Bartlett Giamatti, President, Yale University

On August 28, 1981, a local TV station approached The Book Shop in Boise, Idaho, to inquire why it chose to display and sell the novels of Virginia C. Andrews, bestselling works of fiction that explore the subject of incest. The inquiry was probably inspired by an article on the front page of the August 27th issue of the *Wall Street Journal*, entitled "The Latest Teen Fad, in Books at Least, is Brotherly Love." Almost buried in that article is the admission that "There is little or no sexually explicit language in the three books [written by V.C. Andrews]." Nevertheless, the TV station and the normally conservative *Wall Street Journal* apparently viewed the subject matter of these books as eminently newsworthy at a time when Philistines* all over America are banding together to create a new moral climate in the nation.

In July 1981, according to separate reports from a bookseller and a sales representative, the Reverend Donald Wildmon, noted for his activities on behalf of the Moral Majority, was observed visiting a number of bookstores in the State of Mississippi, with pad in hand, taking inventory of the "dirty" books on their shelves. Presumably he was preparing to improve the quality of American morality in literature.

On July 11, 1981, Mrs. James J. Quinn, a member of the Western Pennsylvania Citizens Against Pornography in Butler County, Pennsylvania, wrote a letter to the Chief Operations Officer of one of the largest bookstore chains in America. The first paragraph reads:

I am a member of the Western Pennsylvania Citizens Against Pornography in Butler County. We are currently attempting to get our local retailers to remove magazines such as *Playboy*, *Playgirl*, *Penthouse*, *Oui*, etc. from magazine racks which are in full view of minors. This is in accordance with Pennsylvania Statute S.5903 of

December, 1980. Ideally we would like retailers to stop selling these magazines, but second best, would appreciate having them sold under the counter.

What the letter failed to state is that the constitutionality of the statute in question was at that very time being challenged in the federal courts by many prestigious organizations, including the American Booksellers Association, the Association of American Publishers, and the Freedom to Read Foundation of the American Library Association.

On April 23, 1981, the Reverend H. Lamarr Mooneyham, leader of the North Carolina chapter of the Moral Majority, released a 28-page review of school textbooks, curricula, and library materials allegedly used in North Carolina. [See *Newsletter*, July 1981, pp. 85, 112-13.] The report opens with a three-page cover letter from Mooneyham, reading in part:

In the past, coverage has been focused on objections to such books as *Brave New World* and *Catcher in the Rye*. The placement of these books on selective reading lists is not the problem, the problem is much deeper than this. Even those who found the above books acceptable may still question the textbooks and associated teachers' guides that are now in use in our schools. One recurring theme found running through all history and social studies texts is that they advocate an ever-increasing reliance on government to solve all of our problems. In so doing, they glorify the socialist societies and consistently find fault with our free society. Conversely, the books have little to say about the virtues of the American political and economic system.

Four novels, J. D. Salinger's *Catcher in the Rye*, *Kiss Daddy Goodbye* by Thomas Altman, *The Learning Tree* by Gordon Parks, and *Forever* by Judy Blume, are singled out by Mooneyham for criticism because "they are filled with explicit sex and violence." Because of these works, the document concluded, "it is little wonder that the teenage pregnancy rate as well as public school crime is at an all-time high."

These examples are typical of recent attempts on the part of local and national groups to reverse what they perceive as a trend towards an "immoral" and "un-American" society. Within the last year, due primarily to pressure from such groups, laws have been enacted in the states of Pennsylvania, Georgia, Maryland, Colorado, and Florida, as well as three municipalities of Southern California, which would effectively ban the sale of books and magazines that admittedly are not "obscene," as the term has been defined by the Supreme Court of the United States. The intent of this new wave of "harmful to minors" legislation is to compel retailers to choose between either banning books

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bend, but don't break

By James Swan, Director, Great Bend (Kansas) Public Library

I thought we were in for a censorship battle when representatives from Better Government, Inc., a local conservative anti-tax organization, came to my office to ask some questions, such as: "Who selects the books for the library?" "Do you have a committee that reads the books before you put them on the library shelf?" "Is there a group of citizens who can check the books to make sure that they are appropriate before you check them out?" and "What happens if there are some books in the library that some people don't approve of?"

Because the library had just won a 25 percent mill levy increase by a vote of the people, representatives of this group were very interested in the library's budget and how the library board planned to spend the extra money. I answered all of their questions cautiously but honestly. When they got up to leave, I noticed that one of them had a tape recorder casually concealed behind her purse. Then I realized that my conversation with them had been recorded without my knowledge and without my permission.

My suspicions grew when a staff member warned me that we might have a *lot more* visitors at our board meetings in the future.

I *knew* we were in for a censorship battle when one of my board members came to the library to see how many of the controversial books discussed earlier that day on the Phil Donahue show we had. She checked out three from a restricted shelf in the children's librarian's office: *Show Me!*, *Facts of Love*, and *Learning About Sex*.

In a few days, we received a request to reconsider all three books. It wasn't long before the word was out that one of our board members and one of her "book-burning friends" had been taking the three books around to local ministers and asking them if there was something they could do about the books. They even went to the minister of the church at which the president of our board is the chief administrative secretary. It was through our board president that I learned that these two "well-intended," concerned citizens were gaining support partly because they failed to mention one important fact—namely, that the books in question were all on the "parents' shelf" in the children's librarian's office.

The books had been purchased to assist parents in teaching their children about human sexuality. They were available only for parents, to use or not to use as they chose. When I pointed this out in my letter to the minister who had made the original request to

reconsider the books, he withdrew his request.

End of my story? Not a chance! Just the beginning.

This all happened in the last half of May and the first part of June. Since the request had been withdrawn, the item to reconsider the books was not on the June board meeting agenda. Nevertheless, the question was brought up again by our well-intended board member, who had brought a friend along to support her position. A lengthy discussion ensued, but the issue remained unresolved. Not all the board members had had an opportunity to read the books, and there had been no formal presentation of a request to reconsider the books.

The day before the July board meeting, we received requests to reconsider the same three books. And although it was too late to place the request on the agenda, we had about twenty-five people at the board meeting. Some of them didn't know why they were there, but the Rev. Bernie Hampton knew why he was there: to speak for "himself and Jesus." Without the customary amenities of requesting time on the agenda, he began a thirty-minute tirade with references to Hitler and Nazi Germany; and pigs wallowing in mud, much of which offended many members of the board. The discussion that followed was disruptive and often inconsiderate. The president of the board finally had to gavel the meeting to a close, after promising that the item would be brought up on the August agenda.

Here again it was apparent that none of the ministers had been informed about the restricted shelving for the books in question, but the Rev. Hampton had thrown down his gauntlet and was determined to see the issue to its conclusion.

As an aside, let me say a personal word about restricted shelving. I know that many of my colleagues cringe when they think of restricted shelving for any books. Philosophically, I am not in favor of restricted shelving, but I am enough of a pragmatist to face up to the reality of community standards. I think we need to be concerned about the sensitivities some people may have about sexually explicit materials, especially for children. Parents have a right and a responsibility to monitor what their children read. They should be able to send their children to the library without fear that they might take something off the shelf which would be morally objectionable to their family values. Parents also have the right to have access to a wide variety of materials to teach their children about sex. That is why the Great Bend Public Library has a parents' shelf in the children's librarian's office.

Scarcely twenty-four hours passed after the board meeting before reports began to appear in newspapers and letters to the editor began to proliferate. The evening of the board meeting, the Rev. Hampton spent an hour on the telephone hassling the president of the

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— censorship dateline —



libraries

Tampa, Florida

In response to a request by a large group of parents, the Hillsborough County Commission voted 3-2 to ask the Tampa-Hillsborough County Library Board to move six sex education books from the children's section to the adults-only section of county libraries. The next day the same group took its case to Tampa City Council, which voted 5-2 to ask Tampa Mayor Bob Martinex to make the same request. The books were *Where Did I Come From?* by Peter Mayle, *Where Do Babies Come From?* by Margaret Sheffield, *Love and Sex in Plain Language* by Eric W. Johnson, *The Beauty of Birth* by Colette Portal, *The Wonderful Story of How You Were Born* by Sidonie Matsner Gruenberg, and *How Babies Are Made* by Steven Schepp.

The complaint before the County Commission and City Council came in response to a recommendation by a library review committee to keep the books on open shelves, which was endorsed by Library Director Leo H. Meirose and approved by the library board in May (see *Newsletter*, July 1981, p. 102). The controversy began when PTA president Martha Hargesheimer was shown a copy of Mayle's *Where Did I Come From?* which had been confiscated from an Edison Elementary School student by her teacher. The formal request to have the library board reconsider the shelving of the book was brought by County Commissioner Jerry Bowmer in March (see *Newsletter*, May 1981, p. 65).

Speakers at the September Commission and Council meetings denounced the books as "obscene" and "pornographic." Leading the censorship forces was Shirley Correll, state director of the Lakeland-based Pro-Family Forum and organizer of the Florida Action Committee, which in 1975 led an unsuccessful attempt to have Eldridge Cleaver's *Soul on Ice* and Richard Wright's *Black Boy* removed from the state Department of Education's list of approved books.

Defending the library board's decision, Commission Chairperson Jan Platt expressed concern that limiting access to the books would set a bad precedent: "If you start with these books, where's it going to end?" While finding some of the books "distasteful," Council member Sandy Freedman agreed. "I'm concerned about the precedent it would set," she said.

Shocked by the two votes, Robert Salomon, executive vice president of Lyle Stuart, Inc., publishers of Mayle's book, commented, "I think it's just nonsense." He added that *Where Did I Come From?* had sold more than a million copies and that reviews had been very favorable.

One issue that remains unsettled is whether the library board or the county, which funds 56 percent of the library system's budget, has policy-making authority in such matters. A special legislative act of 1969 which defines the powers of the library board is somewhat ambiguous. Although the board has complete control over expenditures, its authority to adopt rules for the library is "subject to the supervision and control of the City Council." Whether this "control" applies to the placement of individual books, however, remains to be seen. City Attorney Joe Spicola is examining the law to determine who has ultimate authority. Reported in: *Tampa Times*, September 23, 25.

schools

Feddersburg, Maryland

Organized about six months ago to combat a wide range of social problems in Caroline County, the Feddersburg Moral Action Committee has decided to devote its attention to abortion and immoral education. Paul Elzey, leader of the group, said the Committee intends to rid education of immorality by campaigning against "immoral textbooks," especially those used in sex education courses. Although they have not examined the textbooks used in such courses, Elzey said members of the Committee are concerned about the books' failure to discourage premarital sex. Citing the recent shooting death of a student in a local high school and the increase in teenage pregnancies, he said that "something needs to be done."

Plans include lobbying for an elected school board and working closely with the Family Protection Lobby in Annapolis, as well as right-to-life groups. "I think the breakdown of the family, the general lack of discipline and then this wide-open sex education that we do has helped encourage experimentation," Elzey said. Speaking of his organization's efforts, he added, "I think this is what God wants us to do."

In response to Elzey's announcement, Caroline County School Superintendent Dr. John Kennedy said

that textbooks are chosen by a committee composed mainly of citizens. He added that the sex education courses are mandated by the State Board of Education but not required of all students. "In a pluralistic society such as ours," Dr. Kennedy said, "objections such as Mr. Elzey's have to be weighed against the desires of others." Reported in: *Easton Star-Democrat*, July 30.

Westboro, Massachusetts

Under fire for teaching an original play based on the Leopold-Loeb murder trial of 1924, David Simon resigned his position at the Robert F. Kennedy School, a state-run treatment facility for juvenile delinquents. As head of the Guild Players, Simon came to the school to teach a theater-as-therapy course under a Title I federal grant. In April, following a complaint by site director Michael Welch to Department of Youth Services Deputy Commissioner Ned Loughran that Simon's material was inappropriate, Simon was ordered to stop teaching plays he had written for the program, including the Leopold-Loeb drama and an adaptation of *In Cold Blood*. He was also asked to submit a new curriculum, lesson plans, and course outlines by April 14.

According to Simon, Welch and Loughran and DYS education director Karen Holland had never read any of his scripts or seen any of his or his students' performances. He said that Ms. Holland found all of his subjects—Poe, Galileo, Napoleon, Freud, and Thoreau—unacceptable for a variety of reasons, including morbidity, controversiality, and advocacy of civil disobedience. "They said I could keep *The Miracle Worker* but I had to take out the scenes of conflict between Helen Keller and Annie Sullivan," said Simon. Ms. Holland suggested that he do a play based on the life of John F. Kennedy.

Simon is a certified English teacher and a former director of a community home for juvenile delinquents. His work has received favorable evaluations from six teams of professional evaluators. The three other Guild Players in the program also resigned, as did the eight-year director of the DYS Title I program, Carolyn Harris. In July, seventeen Title I educators signed a statement of principle and requested an impartial hearing, citing violations of accepted educational procedure and use of censorship. Simon believes that he is the victim of a "Moral Majority" mentality that dislikes controversy and misunderstands the needs of his students. He has taken his case to the ACLU, four newspapers, both wire services, and legislator Jack Backman, but without success. Reported in: *Valley Advocate*, July 1.

Hudson, Ohio

A Catholic priest, a Methodist minister, and several parents of pupils at Hudson High School requested a public hearing on the propriety of showing the sixty-minute film *Guess Who's Pregnant Now* and a slide presentation, *The New Genetics*, to first year biology students. A dozen mothers viewed the film in the basement of St. Mary's Catholic Church after Charlotte Fiorito, spokesperson for the group, obtained it from the University of Wisconsin Library. The group protested specifically about a commercial for a male contraceptive device, remarks by Syracuse University professor Sol Gordon, and the allegedly pro-abortion and pro-premarital sex orientation of the film and slide show.

Superintendent Gerald Reeves said that "the parents certainly have a right to be heard" but that, in his view, the material is balanced and appropriate: "We have always felt that the classroom has got to include issues that are controversial. There must be a free exchange of ideas in the classroom and that has always been the case in this school district." The hearing before the Hudson School Board was scheduled for August 10. Reported in: *Akron Beacon Journal*, August 10.

Warrington, Pennsylvania

Having tried for several months to persuade Central Bucks County School District officials to remove *Huckleberry Finn* from a junior high school reading list and from the shelves of school libraries, two Warrington parents have decided to modify their request. After a 90-minute meeting with a special committee of teachers and administrators, in which they charged that Twain's book had created racial tension at Tamamend Junior High School, including harassment of their son, John and Lois Jones said they would not object if the book were retained in school libraries and taught only at the high school level.

Although Tamamend Principal William C. Binder said that he refuses to go into "the censorship business," he added that he was pleased that the case had come up: "If there is one boy who was embarrassed, then there are others who were embarrassed but would have remained silent." At the conclusion of the meeting, Jones said that a decision on the matter might be forthcoming from the school board. Reported in: *Philadelphia Inquirer*, September 9.

Austin, Texas

The Texas Textbook Committee, which annually holds several days of public hearings on the selection of public school texts, heard complaints from several persons about books tentatively chosen for the 1981-82 school year. The hearings are a "dialogue" between

complainants, who voice their objections, and book publishers, whose written responses are read aloud. Several Texas citizens criticized a number of sex education books, including *Finding My Way*, *Married Life*, and *Child Growth and Development*, for allegedly promoting humanism, homosexuality, and abortion. *Earth Science*, a high school geology text, also came under fire for ignoring evidence for a special creation. Reported in: *Fort Worth Star-Telegram*, August 13.

Yelm, Washington

Local resident James A. Kitchens has requested that Franco Zeffirelli's 1968 award-winning *Romeo and Juliet* not be shown in the future as part of the high school English curriculum. Kitchens, who objected to the Yelm School Board after his daughter complained to him about the film, said he was disturbed by a scene in which Romeo and Juliet are shown in bed—an example of "flat immoral nudity." "I don't even think adults should see that kind of thing," he added. Having seen only a portion of the film, Kitchens said he regards it as propaganda for premarital sex.

Harry Lombardo, the teacher in whose class the movie was shown, said that Romeo and Juliet are secretly married before the bedroom scene and that much of the film is given over to priestly and nursely warnings about the dangers of hurried courtships—warnings borne out by the premature death of the young lovers.

Kitchens complained that the school is undermining the Christian morals he has tried to teach his children. Lester Krupp, chairperson of the Yelm High School English Department, commented, "Schools should raise moral questions." After he considers Kitchens's request, Superintendent Glen Nutter will make a recommendation to the school board in August. Reported in: *Tacoma News-Tribune*, August 11, 12.

church and state

Covington, Kentucky

At a news conference in Covington, William Murray, son of professed atheist Madalyn Murray O'Hair, and the Rev. Cecil Todd, a Missouri minister, announced their intention to extend their campaign to bring religion back into the public schools to the national level. Murray, founder of Faith Foundation, said that before the U.S. Supreme Court banned prayer, "a teacher was rarely raped in the public schools" and "violence was hardly known." In the course of the news conference, he condemned his mother's activities and characterized her anti-prayer efforts as communist-inspired: "It was a strategy to bring down the government."

Having founded the Atheistic Association in 1975 and raised its monthly income to \$35,000, Murray said he

eventually became disillusioned with the organization's goals, wandered across the Arizona desert in a jeep for six months, and was converted to Christianity in 1979. With his new associate, the Rev. Todd, founder of Revival Fires Foundation, Murray plans to distribute free folders to students on school playgrounds. The folders have the Lord's Prayer printed on the front and the Ten Commandments on the back. Reported in: *Dayton News*, August 15.

closed hearings

San Diego, California

Press and public will be barred from the pretrial hearings of three sailors accused of manslaughter in connection with the death of an airman on the carrier *Ranger* in April. The decision, handed down by Rear Admiral Justin Langille III, commander of the San Diego Naval Base, came in response to conflicting requests by two of the defendants. The lawyer for the defendant in favor of an open hearing argued that pretrial hearings are ordinarily open except when classified material is involved. Rear Admiral Langille said that he had not yet decided whether the general courts-martial will be open or closed. Reported in: *San Diego Tribune*, August 29.

Atlanta, Georgia

Fulton County Superior Court Judge Clarence Cooper has issued a gag order to court and law enforcement personnel in the murder trial of Wayne B. Williams, tentatively scheduled for October 5. In a case that has attracted national attention, Williams is accused of killing two of the twenty-eight black youths who have been the subject of an intensive two-year investigation by a special police task force in Atlanta.

The order came in response to a newspaper story in which potential prosecution witnesses made statements which, in Judge Cooper's view, may be prejudicial to Williams. Citing the publicity the case has received and the leaking of alleged evidence, Judge Cooper also issued a "judicial warning" directed specifically to the attorneys in the case. He said that he found the gag order necessary "in order to safeguard defendant's constitutional rights." Reported in: *Atlanta Journal*, August 27; *Atlanta Constitution*, August 28.

broadcasting

Providence, Rhode Island

Residents of Providence recently tangled with a cable television network over the allegedly destructive effect of sex and violence in cable television programs. At a

hearing before the state Division on Public Utilities, Harold E. Doran warned that Rhode Island would undergo a moral decline if the cable network were permitted to show sexually explicit movies. "We'll become another Sodom and Gomorrah," he said. Henry C. Hart, vice president and treasurer of Full Channel TV, which is licensed to provide cable television in Bristol County, assured those present that his company did not intend to show X-rated films. A watchdog group called Morality in Media had protested that *The Deerhunter*, which contains a scene showing Russian roulette, has led to fifteen accidental shooting deaths. Reported in: *Providence Bulletin*, July 6.

film

Spokane, Washington

After leaders of the city's black community protested the scheduling of D. W. Griffith's *Birth of a Nation* during Spokane's "Celebration '81," the screening was cancelled. Members of the NAACP argued that the 1915 film, which portrays blacks negatively and the Ku Klux Klan positively, would stir up trouble in an already troubled black community. C. T. Wright, professor at Eastern Washington University and president of the Spokane NAACP, said that by dropping the film, organizers of the summer film program avoided a massive demonstration that could easily have gotten out of hand.

Craig Volosing, director of "Celebration '81," thought the film should have been shown because of its "artistic content." He added, "What happened here smacks so much of censorship out of fear." Professor Wright argued, however, that social considerations must be weighed against artistic merit. Professor Evan Cameron, of Washington State University, contended that everyone, blacks and whites, should see *Birth of a Nation* in order to understand the racism which it inadvertently portrays. Showing the film and discussing it would have been more useful than banning it, he said. Reported in: *Spokane Spokesman-Review*, July 16.

newspapers

Colorado Springs, Colorado

The Pikes Peak Auto Hill Climb Association, Inc., which stages the annual Pikes Peak Auto Hill Climb, issued a form for media representatives to sign in order to cover the race. Among other stipulations, the document grants accreditation to newsmen provided that published materials "are not presented in such a manner

and do not contain any description, explanation or message which would be detrimental to the Pikes Peak Auto Hill Climb or to racing in general."

Members of the press corps were nonplussed by the news. But Charley Tutt, president of the PPAHCA, justified the requirement: "You have two options. You can sign it and send it in, or you can buy a ticket and write about the race that way." Mr. Tutt added that he was trying to avoid controversy and trying to exclude reporters who have a vendetta against either racing or the PPAHCA. Reported in: *Rocky Mountain News*, June 21.

Fairless Hills, Pennsylvania

United Steelworkers District 7 Director James McGeehan embargoed the May issue of *The Fairless Union News*, published by Local 4889 and edited by Joe Caro. McGeehan said that he halted the distribution because the lead story on his reelection to the district directorship was biased and unfair. The story in question emphasized the Fairless Works victory of Al Lupini, president of the Local, and deemphasized McGeehan's district win. "He is censoring our newspaper," said Caro. "I feel he's violating our First Amendment rights." *The Fairless Union News*, a six-page tabloid, has won a number of trade publication awards. Reported in: *Bucks County Courier-Times*, July 8.

magazines

Sussex, Wisconsin; Washington, D.C.

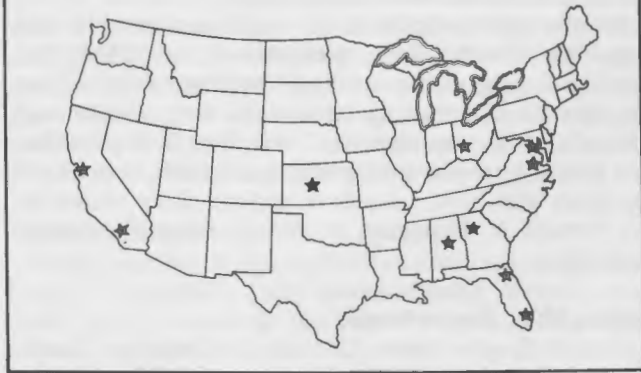
Playboy magazine has come under fire in two different locales and under somewhat different circumstances.

In Sussex, trustees Gloria Mutchler and Roger Racer complained to the village board about a local printing firm, Quad/Graphics, which prints parts of *Playboy* and other adult magazines and is one of the ten largest printers in the United States. Contending that "pornography is a type of environmental pollution," Ms. Mutchler emphasized that it has an adverse effect on family life. Five other trustees, however, including one who thought the issue was "a big joke," expressed confidence in the company's wholesomeness and value to the community. Reported in: *Sussex Sun*, July 21.

Meanwhile, on the national level, Congressman Chalmers P. Wylie (R-Ohio), has been trying to get members of the House Legislative Appropriations Subcommittee to prevent the Library of Congress from publishing *Playboy* in Braille, a service the library has provided since 1970. Some subcommittee members plan to engage in a "colloquy" on the House floor in order

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from the bench



U.S. Supreme Court

The Supreme Court refused to review a lower court decision upholding the right of Indiana school officials to make warrantless, noncriminal searches of students' clothing based on the identification of illicit smoking materials by a drug-sniffing dog. The ruling appears to give administrators wide latitude in search-and-seizure activities for school rule violations. It allows searches of students, their personal property, and their lockers and permits subsequent suspensions and expulsions based on the evidence acquired. It also permits the use of trained dogs in sniffing out violators. Unknown, however, is whether the decision applies to searches that result in criminal charges. Reported in: *Executive Educator*, August, 1981.

schools

Autauga County, Alabama

After their contracts were not renewed by the Autauga County Board of Education in 1979, untenured teachers Jerry Allen and Manya Ogel filed suit in federal district court, requesting damages and reinstatement. With "satisfactory or better ratings in earlier evaluative summaries," the teachers contended that they were nonrenewed because they had written letters to school officials which were critical of their principal and because they participated in a demonstration for higher salaries in Montgomery. The court found that the "only new elements" affecting the principal's recommendation for nonrenewal to the board were activities protected by the First Amendment.

The court decided, however, that only financial damages should be awarded: "When the court is convinced . . . that the plaintiffs' reemployment may

simply not be compatible with the educational system as it now exists, principles of equity require that this court deny reinstatement." Allen and Ogel are appealing this portion of the court's decision. Reported in: *DuShane Fund Reports*.

Kansas

In 1977, Beverly Snyder, an untenured teacher, was nonrenewed in retaliation for serving as chief negotiator for the local teachers association's new contract and for criticizing the school board's position on supplementary pay. An argument with the school district superintendent led to a discussion of her activities and a vote to nonrenew at the next board meeting. Up to that time, Ms. Snyder had received favorable evaluations for her performance as a classroom teacher. Earlier in the year, the federal district court found Kansas' method of settling constitutional claims against school districts unconstitutional. In this case, the jury awarded the plaintiff \$38,000 in damages, compensation for attorneys' fees, and reinstatement. Reported in: *DuShane Fund Reports*.

broadcasting

Palatka, Florida

Circuit Judge E. L. Eastmoore enjoined radio station WIYD-AM from broadcasting an interview with a white policeman who had shot and killed a black man on May 22. Policeman Robert Sheffield, who also shot a black man in 1980, has twice been cleared of culpability by local grand juries. Judge Eastmoore said he issued the injunction because of racial tension in Palatka: "All persons be admonished, restrained, and enjoined from committing any action which will disturb the peace and tranquility . . . or that would tend to intimidate, incite, or inflame racists and citizens against each other." Reported in: *Florida Times-Union*, July 2.

Atlanta, Georgia

After Cable News Network filed suit against President Reagan and his press aides for allegedly excluding CNN from pool coverage of the President, White House press officials gave the responsibility for choosing the network that would represent them in "tight pool" situations to the networks themselves. In response to motions filed by ABC, NBC, and CBS, U.S. District Court Judge Orinda Evans ruled that although the networks could not agree who would represent them, they could not be excluded from pool coverage altogether. The preliminary injunction sustains the network's contention that the White House pool policy violated its constitutional rights to free speech and due process of law. Reported in: *Washington Star*, July 30; *Atlanta Journal*, July 29.

Dayton, Ohio

After grand jury indictments against twelve defendants and two home improvement companies were issued in August, WDTN-TV broadcast four parts of a series about the defendants' alleged involvement in a deception and forgery scheme that enticed home owners to sign second mortgages in order to pay for home improvements. The question before Montgomery County Common Pleas Judge William H. Wolff was whether the broadcasts would prejudice the future trial of the defendants. The judge overruled the motion to restrain the station from showing the film. He has yet to rule, however, on whether to impose a gag order on prosecutors and police. Reported in: *Dayton News*, August 21.

CIA

Richmond, Virginia

The U.S. Court of Appeals for the Fourth Circuit reversed a federal decision to honor a request by Morris Halperin that classified material obtained by Victor Marchetti, author of *The CIA and the Cult of Intelligence*, be disclosed to his lawyer for help in a lawsuit under the Freedom of Information Act. In 1972, the court denied public disclosure of some classified material to Marchetti for use in his then forthcoming book. In 1975, the appellate court overturned a federal court decision that allowed Marchetti to use material deleted by court order from his 1974 book. The latest ruling keeps the requested material classified unless disclosure is deemed essential. Reported in: *New York Times*, August 9.

Washington, D.C.

U.S. District Court Judge Gerhard A. Gesell turned down a request by Philip Agee for 8,175 CIA documents pertaining to his employment with the agency and the counterintelligence effort mounted against him after he left it. Judge Gesell criticized the time-consuming and expensive process required of the CIA staff in defending the lawsuit: "It is amazing that a rational society tolerates the expense, the waste of resources, the political injury to its own security that this process necessarily entails." In June, the U.S. Supreme Court ruled that the State Department was authorized to revoke Agee's passport if it regarded his activities abroad as a serious threat to national security (see *Newsletter*, September 1981, p. 130). Reported in: *Washington Star*, July 21.

nudity

West Palm Beach, Florida

Can Alan DeWeese jog without a shirt in public? Is a Palm Beach ordinance against topless jogging a violation of DeWeese's constitutionally guaranteed freedom? Is the ordinance a valid exercise of police power? After a brief hearing in which U.S. District Court Judge Norman Roettger heard arguments from town attorney Adams Weaver, contending that the law is an attempt to preserve Palm Beach's historical character and property values, and James Green, contending that the ordinance is unconstitutional, the judge ruled that the town's first anti-topless jogging law had been found constitutionally defective and that the new law was not entirely different from the first. Weaver said that he plans to appeal the decision. Green argued that dress codes should be left to peer pressure and that criminal laws should be limited to the control of disruptive behavior. Reported in: *Fort Lauderdale News*, August 24-26; *Miami Herald*, August 26.

gay rights

San Francisco, California

U.S. District Judge Robert Aguilar struck down a twenty-eight-year-old federal law that prohibits visits to the United States by homosexual foreigners. Mary C. Dunlap, representing the Lesbian/Gay Freedom Day Committee, organizer of the Gay Freedom Day Parade, sought the preliminary injunction in order to allow gay or lesbian foreign visitors to attend the parade. The Committee's suit charged that the U.S. Immigration and Naturalization Services' exclusionary policy violates the "rights of speech and association" of American homosexuals. Judge Aguilar said there is no reason to prevent homosexuals from entering the country because there is no evidence that homosexuality is a physical disease or a psychological affliction. Justice Department officials are considering an appeal. Reported in: *San Francisco Chronicle*, June 26.

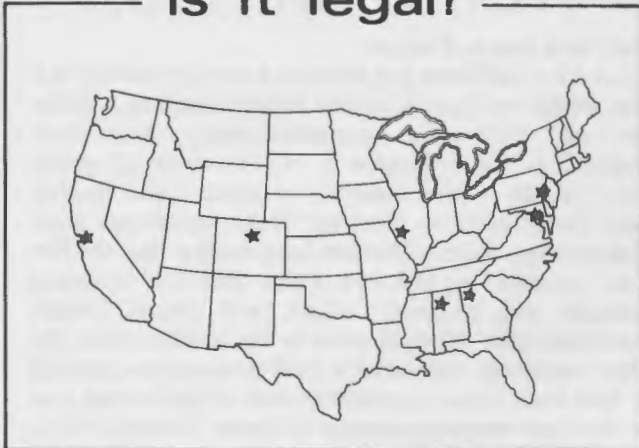
closed hearings

San Diego, California

Because a judge's name had surfaced in connection with one of four defendants accused of conspiring to commit pandering, pimping, and prostitution, among other activities, Presiding Superior Court Judge Gilbert Harelson imposed a temporary gag order on the attorneys in the case, their clients, and witnesses. He also

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is it legal?



schools

Glen Burnie, Maryland

In February 1980, drama teacher Arthur Smelkinson lost a battle with Old Mills High School principal Leroy G. Carter and the Committee for Review and Evaluation of Materials in English over his choice of the rock musical *Hair* for an after-school drama production. In March of the same year, Smelkinson was turned down again for an edited version of *One Flew Over the Cuckoo's Nest* (see *Newsletter*, May 1980, p. 52). The issue now before the State Board of Education is whether or not school officials had the right to ban the play.

School board attorney Thomas J. Wohlgenuth held that because the performance would be part of the curriculum, school administrators can decide on its appropriateness. Mr. Smelkinson's attorney, Walter S. Levin, argued that the production would be an extra-curricular activity and therefore free from official review.

Since the school's 1980 banning of the play because of its racy language and sexual innuendoes, a county-appointed hearing officer has upheld the decision and a state-appointed hearing examiner has ruled it unconstitutional (see *Newsletter*, September 1981, p. 140). A ruling by the state board, which can be appealed to the courts, is expected in July. *One Flew Over the Cuckoo's Nest* was performed without controversy at Annapolis Senior High School in 1978. Reported in: *Annapolis Capital*, June 28.

libel

Washington, D.C.

David Atlee Phillips, former high-ranking CIA officer, has filed slander, libel, and invasion of privacy suits against a half-dozen or so persons, including

Donald Freed, author of a novel on the assassination of Orlando Letelier, and libel and invasion of privacy suits against the *Washingtonian* magazine for an article on President Kennedy's assassination. Organizer of the Association of Former Intelligence Officers, a lobby group for the intelligence community, Phillips has now launched Challenge: An Intelligence Officer's Legal Action Fund, in order to solicit contributions for his suits and to encourage as well as assist other CIA officers who are considering legal action against what Phillips calls "absurd charges" and "malicious treatment in public print and public forums." The first suit accuses defendants of depriving Phillips "of his good name, credit, and reputation" by falsely identifying him as a coconspirator and accessory before and after the fact in the assassinations of Chilean ambassador Orlando Letelier and Ronni K. Moffitt.

Alton, Illinois

The *Alton Telegraph* (circ. 38,000) has filed for bankruptcy as a result of a libel judgment of 9.2 million dollars handed down last year. The newspaper is appealing the decision, but the case and others like it have media representatives worried. The *San Francisco Examiner*, *Penthouse* magazine, and the *National Enquirer* lost multi-million-dollar cases last year. All were libel suits and, according to Arthur B. Hanson, general counsel for the American Newspaper Publishers Association, all portend more suits and more trouble for newspaper and magazine publishers.

One response has been the establishment of the Libel Defense Resource Center in New York, a clearinghouse for legal information concerning libel cases. Another is the media countersuit, which, Mr. Hanson believes, will dampen the spirit of potential plaintiffs by making the process of suing for libel riskier. A study to be published by the American Bar Association indicates that the big-ticket awards that usually make headlines are misleading. Between 1977 and 1980, plaintiffs won only seven percent of the cases. And of the six cases in which awards were more than \$100,000, five were later drastically reduced.

Ironically, the *Alton Telegraph* never published the material for which it was sued. Two reporters passed unverified information about a local businessman to the head of a federal organized crime strike force, who in turn passed it to the Justice Department. From there it went to a regulatory agency which proceeded to investigate the savings and loan company from which the businessman had borrowed money. His credit was cut off, his business collapsed, and, upon discovering the original memo, he sued. The appeal is being handled by Chicago lawyers Philip Tone and David P. Sanders,

who contend that all citizens should be protected from legal action for giving information to law enforcement authorities. Reported in: *Washington Post*, August 25.

West Chester, Pennsylvania

Westtown businessman Maurice Hepps, whose company, General Programming, Inc., was linked to organized crime in a series of newspaper stories, has filed suit against the *Philadelphia Inquirer* for libel. Hepps claimed that the stories, which appeared in 1975 and 1976, damaged his reputation and hurt his business. David Marion, attorney for the *Inquirer*, asked the Chester County jury, which will soon begin deliberations, whether the newspaper had the right to report that there were connections between GPI and organized crime. "We didn't accuse Mr. Hepps of being in organized crime," Marion commented. "We said he was part of an organization and maybe an innocent part." Reported in: *West Chester Local News*, July 11.

prisoners' rights

San Francisco, California

The California Supreme Court heard arguments from Deputy Attorney General Richard Tullis, representing the California Department of Corrections; Michael R. Snedeker, representing the editor of the *Soledad Star-News* and the Prisoners' Union; and William J. Taylor, on behalf of the ACLU. The case began in 1978 when the Department of Corrections barred the *Star-News* from publishing two articles thought to pose a threat to the safety and security of Soledad State Penitentiary. The question is whether state officials can control the content of the taxpayer-funded prison newspaper. Earlier, Monterey County Superior Court Judge Richard Silver upheld the right of the *Star-News* to publish the articles in question and ordered the Department of Corrections to establish guidelines for future editorial reviews. The decision was upheld 2-1 in the First District Court of Appeal. Reported in: *San Francisco Examiner*, August 7.

closed hearings

Atlanta, Georgia

Having issued a gag order to policemen and prosecutors in the Wayne B. Williams murder trial (see *Censorship Dateline*, p. 163), Fulton County Superior Court Judge Clarence Cooper has also forbidden television coverage of the trial, despite a request by the Atlanta Press Club. Defense attorney Mary Welcome argued that Georgia law requires the consent of both plaintiff and defendant before broadcast coverage can

be permitted. She added that televising the trial would subject the proceedings to media representatives' bias and tendency to focus on the "sensational" aspects of the nationally publicized trial. With Fulton County District Attorney Louis Slaton more or less indifferent to the issue, the burden of argument on the other side had fallen to Press Club attorney Erik Gordon, who contended that televising the trial "will educate the public, reduce ignorance and suspicion of the court, and increase confidence" in the judicial system.

Judge Cooper made his decision after hearing four hours of testimony from twelve witnesses, mostly sociologists and psychologists. He concluded that a televised trial might harm children as well as the families of the murder victims, including the families of the twenty-six other black youths murdered or missing in Georgia within the last two years. Judge Cooper also cited the Georgia Code of Judicial Conduct, requiring consent of all attorneys to televise hearings. The Atlanta Press Club has asked the Georgia Supreme Court to reconsider the rule, citing *Chandler v. Florida*, in particular, in which the U.S. Supreme Court found Florida's requirement of mutual consent to be invalid. Reported in: *Houston Post*, August 22; *Atlanta Constitution*, August 26; *Atlanta Journal*, September 1.

Birmingham, Alabama

When an organization of local black ministers, called Clergy Who Care, appeared before the Jefferson County Personnel Board to protest the board's suit against Mayor Richard Arrington, the board asked that cameras be removed from the meeting room, cancelled the meeting when cameramen refused to leave, and called in sheriff's deputies to remove the cameramen and their equipment. A new policy, formulated for the next day's meeting, prohibited cameras from the board chairperson's office and required an advance written request for the use of cameras in the public hearing room. The new rule will be reviewed by the board's Citizens Supervisory Committee meeting in November. Reported in: *Birmingham Post-Herald*, August 19, 20; *Birmingham News*, August 20.

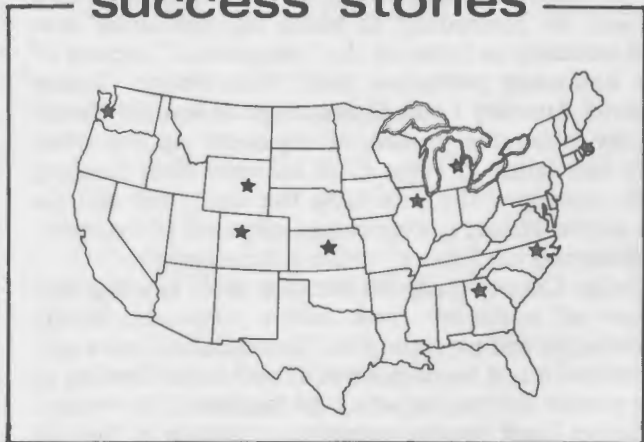
obscenity

Denver, Colorado

Sponsored by State Senator Ted Strickland and signed into law by Governor Richard Lamm, State Bill 38, a new Colorado anti-obscenity law, took effect on July 1 amid a spate of lawsuits filed in eight counties challenging the law's constitutionality. The law forbids publishing, delivering, or selling obscene material, including plays, movies, dances, and other exhibitions deemed obscene under the statute's definition.

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— success stories —



libraries

Great Bend, Kansas

At its August meeting, the Great Bend Library Board voted 5-1 against removing three sex education books from the library. The books—*Show Me!*, *Learning About Sex*, and *Facts of Love*—had been the subject of a complaint by the Rev. Barnie J. Hampton before the library board at its July meeting. Patricia Baxter, chairperson of the board, allowed the Rev. Hampton to register his protest against the allegedly pornographic books even though he had not first registered a written complaint, which is required before the issue can be discussed at the board's monthly meeting. The books in question are currently kept in the children's librarian's office and checked out only to parents. Demanding that the books be destroyed, the Rev. Hampton expressed trepidation at the possibility that a child might sneak into the office and surreptitiously peruse the books, an event which has not yet transpired, according to Mrs. Baxter.

The Rev. Hampton also objected to the fact that taxpayers' money was being used to purchase "pornographic material." Mrs. Baxter, business manager of the First United Methodist Church in Great Bend, said that although she would use only one of the books to help introduce her children to the subject of sex, "other people may see them in a different light, and their rights are equal to mine." (For more information on the Great Bend controversy, see the article on p. 160 by James Swan, director of the library.) Reported in: *Great Bend Tribune*, July 16, August 12.

Mt. Morris, Michigan

The Genesee District Library Board voted unanimously at its August meeting to adhere to the American Library Association's book selection guidelines and

reject pleas from a local citizens' group to remove books containing sexually explicit passages from library shelves. The board also decided to begin a public relations campaign aimed at parents on the theme "Do you know what your children are reading?" After the meeting, board treasurer Alexander Steinmetz said, "We are unalterably opposed to censorship." Board member Rosie Mead added, "The responsibility should be placed on the parents. This policy will do that."

The citizens' group, which had met with district library officials in May (see *Newsletter*, July 1981, p. 91), reiterated its request in July to ban certain books from county libraries and submitted a list of policy suggestions for future library acquisitions, prepared by William Owen, executive director of the Christian Schools of Michigan in Flint. The list included recommendations that district libraries choose books according to "local community standards" and establish adults-only sections. After raising objections to the library board in March and then searching through county library shelves, Joan Visser claimed to have found thirty-two books promoting homosexuality. She was joined by Bettye Lewis, who lamented the availability of adult books to children, and John Wilson, chaplain of the Genesee County Jail.

Challenging the group's suggestions, Harold Ford, of the American Civil Liberties Union in Flint, said that "no one group should be allowed to force their values on the whole community." Jack Weingarden, chairperson of the district library board of directors, said he considered the meeting part of an attempt by the board to hear from all segments of the community: "We want to hear what people from around the county have to say; we feel very strongly about that." A letter announcing the August meeting was sent to Mr. Owen on August 6 with the expectation that he would notify the rest of the group. However, being out of town for three weeks, he missed the meeting, as did Mrs. Visser and Mrs. Lewis. Reported in: *Flint Journal*, July 17, August 14.

schools

Gwinnett County, Georgia

When Melvin and Barbara Wilkes recently requested the removal of a book from county elementary school libraries, they were turned down by the Gwinnett County Board of Education. The book, *Alan and Naomi*, a story about the friendship between a young New York City boy and a girl who witnessed her father's death at the hands of Nazis during World War II, was praised by the Head Elementary School Media

Committee as "a sensitive, beautifully written story when read in its entirety and adds value to our collection." Having met with two panels made up of school officials and parents, the Wilkeses continued to object to the book's language ("hell" and "damn") and mature subject matter and requested that librarians supervise students' reading choices more closely. But Superintendent Alton C. Crews said that school librarians must refrain from censorship of any kind. Mrs. Wilkes will henceforth serve on an elementary school textbook selection committee. Reported in: *Atlanta Journal*, August 18.

North Adams, Massachusetts

Members of the Parental Rights Committee, which succeeded last year in eliminating a sex education course from the high school curriculum, joined about 200 other local residents at a public hearing at which the North Adams School Committee voted unanimously to keep Richard Wright's *Native Son* on the reading list of a junior English course at Drury High School. The citizens committee complained about the book's "violence, sex, and profanity" to School Superintendent Robert Maroni and asked to have it removed from the reading list. The case came before the seven-person elected committee after Maroni, with the support of a classroom book review committee, composed of parents, teachers, and students, refused to remove the book from the reading list (see *Newsletter*, Sept. 1981, p. 125).

Gerald Delisle, a member of the Rights group, characterized *Native Son* as a "garbage book." Mary F. Dean, another member and head of the North Berkshire Right to Life Council, said she considers the book communistic. Two teachers who use the book in their classrooms, Robert J. Wellspring and Veronica DeGategno, praised Wright's work for both content and style. Having read the book years ago, Mayor Richard C. Lamb, ex officio chairperson of the school committee, said he considers it "a sort of American classic." Reported in: *Washington, D.C., Afro-American*, July 25; *Boston Globe*, September 1; *Washington Post*, September 3.

Raleigh, North Carolina

After three and a half hours of deliberation, an ad hoc review committee composed of Principal LaVerne Freitag, two teachers, and the school librarian unanimously decided to retain the book *J. T.* on the fourth-grade reading list at Hunter Elementary School. The case initially caused some concern in the community partly because Ms. Freitag, with the support of Superintendent Walter Marks, immediately removed the book from classroom use in response to Dr. James E. Coleman, who objected to the book's racial stereotyping.

Written school policy requires only that the book be suspended "for that particular student pending a decision" of a review committee. Another complicating element was the fact that Dr. Coleman's son was not a student at the school. A story about a ghetto youth who foreswears stealing and decides to lead a law-abiding life, *J. T.* is a nationally acclaimed work illustrated by prominent black photographer Gordon Parks. If he chooses, Dr. Coleman can appeal the committee's decision to the school board. Reported in: *Raleigh News and Observer*, September 15, 18.

Sumner, Washington

After reviewing the findings of a citizens' committee and reading the book themselves, members of the Sumner School Board voted unanimously to keep Aldous Huxley's *Brave New World* on the high school reading list. The board emphasized that students who do not wish to read the book will be given a substitute. The controversy began when Terry and Rosanne Anderson asked the district's Instructional Materials Committee to ban the book (see *Newsletter*, Sept. 1981, p. 127). They objected to what they took to be Huxley's promotion of drug abuse, sexual promiscuity, anti-Christianity, and secular humanism, which the Andersons define as a religion embracing government control, mercy killing, evolutionism, and total military disarmament.

Acting Assistant School Superintendent Donald Eismann suggested that perhaps Huxley's satirical treatment of modern society was too subtle for the Andersons. The book, he said, is "a poignant cry" against some of the social tendencies to which the Andersons object. "Actually," he continued, "the controversy has nothing to do with the book. They just want a platform on which to discuss secular humanism."

Undaunted, the Andersons plan to continue to fight the spread of secular humanism and to ask Superintendent Ernest Louk to excuse their children from sex education classes, including biology courses that teach the theory of evolution. A similar complaint about *Brave New World* was registered by parents in Meridian, Washington, and rejected by a teachers' committee. Reported in: *Des Moines Register*, July 23.

Casper, Wyoming

In May, Jody and Richard Ricks and Penny Brock, representing the Wyoming Family Rights Forum, wrote to Natrona County School officials indicating their dissatisfaction with one psychology and two history books used in junior high and high school courses. Eight teachers responded in writing to the complaints. In June, the three Casper residents met with Assistant Superintendent of Instruction Dr. Lionel Robertson and asked that the order for the books be canceled. School

administrators refused. Shortly afterward, Marge Schropher, president of the Natrona County Classroom Teachers and Educators Association, praised school officials "for their courage in resisting efforts to censor textbooks."

In early July, the letters from the Rickses and Ms. Brock were made public. They criticized the books for denigrating the free enterprise system, giving undue attention to the women's movement, and undermining basic values. Now focusing their attention on an eighth grade history book called *The Impact of Our Past: A History of the United States*, the trio objected particularly to the inquiry method of teaching, which, according to Ms. Brock, teaches concepts instead of facts and encourages students to come to their own conclusions. "The inquiry method," she said, "instills seeds of doubt in the minds of students by questioning basic values, particularly open-ended questions to which the 'correct' answer is whatever the group dictates."

The group met with the social studies textbook selection committee later in July. Unsuccessful at that meeting, and concerned that the process of appeal through the school system would not be completed before the school year ended, they proceeded to skip their appeal to the school board and filed a motion in district court to stop distribution of the textbook in question. One complicating issue was the ordering of the third edition of *The Impact of Our Past*, retitled *From Sea to Shining Sea*, which, according to the Family Rights group, was purchased sight unseen. As Dr. Robertson explained, however, the new edition was merely an updated version of the second edition. Finally, a few days after filing their motion, the three-some withdrew it, contending that the new book is acceptable because it is substantially different from the old one. "In my view," Dr. Robertson said, "it is a typical new edition. It's been updated, but no real radical changes have been made." Reported in: *Casper Star-Tribune*, August 20.

broadcasting

Denver, Colorado

At a State Board of Education meeting, member Allen Lamb moved that the state withhold \$340,000 in state money earmarked for KRMA-TV. Mr. Lamb's motion was based on his objection to the station's recent showing of Emile Zola's *Therese Raquin* on "Masterpiece Theatre." According to Lamb, apparently relying on an article in the June 1981 *Conservative Digest*, the first episode of the three-part dramatization contained pornographic scenes

which rendered the program unsuitable for state sponsorship. On the advice of attorney Cheryl Karstaedt, however, and despite voting support from member J. David Haskin and sympathy from member Frank Ricotta, the board voted three to two against the motion.

Mike Mottler, general manager of KRMA-TV, explained to the board that state funding is applied only to daytime instructional programming and that evening shows such as "Masterpiece Theatre" are supported by nontax sources. He added that, in his view, "Masterpiece Theatre" performances "have artistic, literary, and historic value. We stand by them and will resist any attempts at censorship." Board President Dorothy Gotlieb commented, "I'm not crazy about that kind of program, but in my house, censorship ends at the end of my hand—when I turn off a program." Reported in: *Denver Post*, July 10.

Lake County, Illinois

The issue before the Lake County Board was F. T. "Mike" Graham's motion to allow the county to censor what Graham called "smut and X-rated programs" on cable television. Karen Winfield, Waukegan resident and spokesperson for the Illinois Citizens for Family Life, defended the motion and spoke to the need for some control over "indecent programming." Lake County State's Attorney Fred Foreman advised the board to reject the motion, however, on the grounds of unenforceability. Board member Elliot Bacall, of Deerfield, argued against what he considered to be government intrusion into personal matters: "I don't want anyone to tell me what to watch in my house."

The move to amend the county's cable television ordinance first surfaced at the board's June meeting, at which the board referred the proposal to the joint cable TV committee. With seven of its nine members in attendance, the committee announced at the July board meeting its unanimous recommendation not to amend. And after two and a half hours of debate at its August meeting, the board voted seventeen to four against the censorship motion. Reported in: *Glenview Times*, July 16; *Hinsdale Suburban Trib*, July 17.

(censorship dateline . . . from page 164)

to stop the library from transcribing and distributing the magazine in 1982. Rep. Wylie stressed that he is not trying to prevent blind people from reading the magazine; he merely wants the federal government to stop subsidizing it.

Kurt Cylke, director of the National Library Service for the Blind and Physically Handicapped, said that *Playboy* is among the ten most popular magazines distributed by the NLS, all of which are selected by a

committee of librarians, national blind organizations, and blind readers. Rep. Vic Fazio (D-California), chairperson of the Appropriations Subcommittee, insists that Rep. Wylie's efforts "constitute federal censorship." Reported in: *Columbus Citizen Journal*, July 15; *Washington Post*, July 20; *Sacramento Union*, August 23.

foreign

Mexico City, Mexico

President Jose Portillo recently set up a Censor Commission to enforce his decree prohibiting newspapers and magazines from printing anything "that directly or indirectly induces or foments vices." Apparently, the ban covers everything from nudes on magazine covers to stories about the successful operation of illegal or immoral businesses. Adult magazines must be sealed in plastic and displayed where children cannot see them. Mexicans cannot be "degraded" in stories or photographs. Violations are punishable by a \$4,000 fine, a fifteen-day jail term, and/or suspension of publication. Reported in: *Chicago Tribune*, July 18.

Bonn, West Germany

By virtue of a loophole in the country's press laws, which protect the confidentiality of materials supplied by news sources, West German police have been confiscating reporters' notes, films, and photographs and using them as evidence in court trials. A 1975 law excludes from protection all journalistic coverage of public events, including protest demonstrations, and all material collected without a specific promise of confidentiality. In 1980, the constitutionality of the law was sustained in lower court and on appeal in a case involving a police raid on a West German newspaper. Police have argued that the material acquired in such seizures is necessary for securing evidence against law-breakers. Federal Justice Minister Juergen Schmude said recently, however, that the law should be changed to exclude only material relating to serious crimes. The latest confiscation occurred after a violent protest in West Berlin against the lack of adequate low-cost housing. Confiscated film was used as evidence in the trials of the demonstrators. Reported in: *Los Angeles Times*, August 5.

Moscow, U.S.S.R.

Soviet officials confiscated about a dozen books at the third Moscow International Book Fair, including Henry Kissinger's *The White House Years*, Abba Eban's *History of the Jews*, an anthology of articles from *Foreign Policy* magazine, a book on the Third

Reich, the *1981 American Jewish Yearbook*, and *The History of the Jewish Nation* by Shmul Ettinger. Sources said the books were banned for, among other things, their alleged Zionism, misrepresentations of Soviet life, and pro-Nazism. According to observers, more books would undoubtedly have been seized if Western publishers had not exercised self-censorship and left behind works they knew either would or might have been barred by Soviet censors. Reported in: *Chicago Sun-Times*, September 4; *New York Times*, September 8.

Karachi, Pakistan; Manila, Philippines

Two governments have been criticized by journalists recently for continuing political censorship of newspapers and magazines.

- In August, the Council of Pakistani Newspaper Editors made its strongest protest against censorship since it was imposed by President Mohammed Zia ul-Haq in 1979. The Council claimed that government policy on press rights is affecting the credibility and compromising the integrity of Pakistan's newspapers. Reported in: *Philadelphia Inquirer*, August 30.

- About one hundred leading citizens founded a free-press movement in the Philippines called Concerned Filipinos for Press Freedom. They launched the campaign, the first attempt to restore the free press since 1972, in honor of Letty Jimenez-Magsanoc, former editor of the weekly *Panorama*, who was forced to resign after she had published a report of the June 30 inauguration of President Ferdinand E. Marcos in which she criticized electoral corruption. Reported in: *New York Times*, September 16.

(from the bench . . . from page 166)

scheduled a hearing on defense motions to seal the transcript of the county grand jury probe. The order prohibited extrajudicial statements to the news media and forbade release of documents pertaining to the case.

At the scheduled hearing, Deputy District Attorney Hugh E. McManus argued that the order was unnecessary because the public was not interested in the trial. Shirli F. Weiss, representing the *San Diego Union*, called the order overbroad and vague. Superior Court Judge Donald W. Smith refused to prohibit the unsealing of the grand jury transcript and rescinded the gag order. He delayed opening the transcript, however, in order to allow defense attorneys time to appeal. The appeal was turned down by Presiding Judge Gerald Brown. Reported in: *San Diego Union* and *San Diego Tribune*, July 30, August 4.

magazines

Des Moines, Iowa

Polk County District Judge Rodney Ryan declared *Playboy* obscene in the county's first test of the 1978 Iowa obscenity law as it applies to minors. Specifically, the January 1981 issue of the magazine was found to be obscene when shown to a minor by someone other than the parent or guardian of the child. Assistant County Attorney Ronald Wheeler said the decision "does not apply to *Playboy* when it is viewed by an adult." Reported in: *Des Moines Register*, August 28.

(is it legal? . . . from page 168)

Attorney Arthur Schwartz of Denver argued that the statute is vague and overbroad, violates the right of due process, and represents an invasion of privacy. Similar suits were filed in Greeley, Boulder, and Pueblo by owners of bookstores and movie theaters. Formal arguments on the constitutionality of the law will be heard in October, both sides having agreed to skip the regular injunction process. The decision by Denver District Judge Susan Barnes will probably be immediately appealed to the Colorado Supreme Court, which declared the state's last anti-obscenity law to be unconstitutional. Reported in: *Rocky Mountain News*, July 3; *Denver Post*, July 23; *Colorado Springs Sun*, August 11.

Salt Lake City, Utah

Enforcement of S.B. 301, the state's new anti-obscenity law for cable television, was temporarily enjoined on May 7 by Federal Judge Bruce S. Jenkins, pending a hearing on the constitutionality of the law on November 12. The judge ruled that the statute raises serious questions about the right of the state to intrude into areas protected by the First and Fourteenth Amendments. The Utah Attorney General's Office has already conceded that portions of the law, especially a section forbidding "indecent material," is unconstitutional. Chief Deputy Attorney General Paul M. Tinker said that although parts of the statute might be unenforceable, his office intends to defend portions of the law prohibiting "pornography." The suit was filed by four Utah cable TV companies and Home Box Office. Reported in: *Salt Lake City Desert News*, July 2; *Salt Lake City Tribune*, July 3.

newspapers

New Orleans, Louisiana

Criminal District Court Judge Jerome Winsburg is expected to rule soon on whether the *Times-Picayune/States-Item* must release unpublished photographs of Walter Sentenn, lawyer of a Minden, Louisiana, man

accused of murder. Sentenn claims the photographs would indicate that his client confessed to the crime only after he had been beaten by police. Ann Brown, representing the newspaper, argued that the disclosure would violate the First Amendment. Reported in: *New Orleans Times-Picayune*, July 2.

broadcasting

Conway, Arkansas

Arkansas ACLU executive director Sandra Kurjiaka announced that her organization would support a lawsuit against the Arkansas Educational Television Network if someone complained about the network's editorial policy. According to AETN executives Lee Reeves and Fred Schmutz, material is deleted from about fifty percent of the PBS programs that have content warnings. Since the station opened in 1966, Reeves and Schmutz have refused to air four or five programs because they found the content objectionable. In 1980, Schmutz drew public criticism for suggesting that he might not allow a thirty-minute documentary on former U.S. Rep. Brooks Hays to be shown in Arkansas. However, although he thought the film on Hays's role in the 1957 Little Rock desegregation crisis might be embarrassing to the state, it was eventually televised. "They say 'edit out,' but that's censoring," Ms. Kurjiaka commented. Reported in: *Arkansas Democrat*, August 9.

(Intellectual freedom . . . from page 148)

Mr. Farris was requested to present his views concerning the role and function of libraries and librarians, focusing on the relationship between libraries and the First Amendment, how materials should be selected for the library, and how libraries should reflect the pluralism of the community.

Those of you who are expecting a big fight from me are going to be disappointed because I'm not going to spend very much time at it. I'm going to give you what I've entitled my "fill-in-the-blank" speech. The name of the fill-in-the-blank speech is "The Bad Guys Are Coming." It has blanks in it so you can insert whatever your version of the bad guys is—so that when you go out to talk about the battle over books, libraries, taxes, and morality, you'll have a ready-made speech. It doesn't matter what side you're on; all you have to do is fill in the blanks. And the object, of course, is to shame and ridicule your opponent.

The first version goes like this: Ladies and gentlemen, I have a most serious situation to present to you today. In this country, there are dangerous forces at work, forces that want to force your children to read dirty books. Not just their children—your children too. These pointy-headed, self-appointed members of the

ACLU and the American Library Association and other left-wing radical groups are trying to force their morality down your throat by buying dirty books with your tax dollars and giving them to your kids. We must stop them today! Freedom itself is at stake! We cannot become a nation of pornographers and remain free. Libraries are a place for knowledge and virtue. We must stop these dark forces at work, and we must stop them now.

Or, you could do it like this—just change the blanks and it says: Ladies and gentlemen, I have a most serious situation to present to you today. In this country, there are dangerous forces at work, forces that want to force your children to become functionally illiterate. Not just their children—your children too! These pointy-headed, self-appointed members of the Moral Majority and other right-wing radical groups are trying to force their morality down your throat by banning books they consider immoral. We must stop them today! Freedom itself is at stake! We cannot become a nation of book burners and remain free. Libraries are a place for knowledge and freedom. We must stop these dark forces at work, and we must stop them now.

I hope this satisfied everyone's desire for hate and contempt.

My purpose in coming is not to be a Christian before the lions or a lion before the Christians. I came here because I felt that we could contribute to each other's understanding of a very important issue facing America today and so that we could learn to work together. Because I believe that we are not going to have the luxury in America of working separately. As librarians, concerned citizens, members of the public, and public officials (insofar as you are employed by a school or a public library or a tax-funded organization), we need to learn to work together. I don't think any of us can afford to fight it out in every battle. We certainly can't, and I don't believe the ALA can either.

I really and sincerely thank the Office for Intellectual Freedom for inviting me to speak. It's somewhat unusual for an organization to invite a member of the opposition to come and address its members. I think that says a lot to me about your true commitment to intellectual freedom; that in the exchange of opinions, in the marketplace of ideas, in the interest of pluralism and an open society, and on the assumption that the truth will eventually win out, you are not afraid to expose your organization to opposing ideas.

But if we came here to fight bad guys—if we want to give them the label of "book burners," or if we want to give them the label of "pornographers," whichever side of the issue you want to be on—if that's your mentality, I think we'd be better off spending our time

writing epithets on the bathroom wall than sitting here trying to talk with one another and understand one another. I came to engage in an exchange of ideas, not barbs and criticisms. That does not mean I will not challenge some of your ideas or practices. Nor will you refrain from challenging mine. Ideas should be challenged. But individuals should be tolerated.

I would like to spend most of my time considering freedom and its implication for libraries. And I would, at this point, like to clarify a couple of things about the two litigation histories that you were given in my introduction. The Mead case involves a public school textbook called *The Learning Tree*—and it's a *textbook*, not a library book, that we're concerned about. I would not be concerned at all if the book *The Learning Tree* were on the library shelves of Mead High School or any other high school around this country. I think it's an appropriate book in a voluntary setting. But when it becomes a required text it must be seen in a different light and from a different legal perspective. I'll talk more about that later.

The other thing I would like to clarify is the litigation over the film *Achieving Sexual Maturity*. The issue was that we sought to obtain a list of the public *schools* and public school *employees* who had the film sent to their public school employee addresses. Only one public school employee was discovered, but we never found out who he was. The film was sent to his home address. And we agree with the attorney for the library that we had no right to find out who he was if he was not checking the film out in his official capacity as a public employee. By the way, that lawsuit was dismissed at *my* motion, not at the motion of the court. I dismissed it because the library system of the state of Washington told me what I wanted to know. They told me which schools and school employees had checked out the film. Now the fact of the matter is that they only kept records for a very short period of time—summer vacation the year before, when no schools had checked out the film. So, in essence, we hit a dry well. But if they were going to insist on the privacy of their borrower list, they should have told me, "I'm not going to tell you one thing about it—I'm not going to tell you there was one borrowing, I'm not going to tell you there were a hundred borrowings, I'm not going to tell you there were zero borrowings. So we had nothing left to fight over. If we had gone to court and prevailed and the judge had said, "Yes, you have to turn over the public school records to the Moral Majority," there wouldn't have been anything to turn over. It would have been a fruitless litigation. That's the reason the litigation was dismissed—not for the reason that we backed down on any point, but because the well

was open to us and it was simply dry. So if you think that litigation stands for the principle that libraries cannot be compelled to give an organization [information] under a public disclosure act (which is what we were litigating under: Washington State's public disclosure act, in which all acts of all public officials, including officials from public schools and public libraries, are subject to disclosure, just as all acts of politicians and finances of politicians are subject to disclosure), the facts do not support your supposition. The case simply revealed that no school or library official had checked out the film *Achieving Sexual Maturity*.

I would like to spend most of my time considering, in a more philosophical context, freedom and its implication for libraries, not only from the point of view of librarians, since I obviously am addressing a whole room full of them—but, more importantly, for giving you a different understanding, a different perspective, the perspective of a member of the tax-paying public. I am a constitutional lawyer, but I'm not going to spend too much of my time considering court decisions and citations. I think lawyers far too often get hidebound in those kinds of things and can't see the forest for the trees. I would like to give more thought today to the thoughts and writings of two great American statesmen, Thomas Jefferson and Samuel Adams.

I believe, and I'm sure that many of you will agree, that we need leaders in this country like a Jefferson or an Adams. I believe that they possessed a different quality than many of our politicians do today: they were concerned about the next generation, not about the next election. I think that's a vital quality, and I think that they have much to say to us on the subject of freedom. Samuel Adams was known as the Father of the American Revolution—he masterminded the Boston Tea Party, he was a member of the Continental Congress, he was the governor of Massachusetts, and he was, at that time, a widely-known author. In 1750, when he was twenty-eight years of age, he wrote an essay entitled "On Liberty." In that essay he says, "In the state of nature, every man has a right to think and act according to the dictates of his own mind which in that state are subject to no other control and can be commanded by no other power than the laws and ordinances of the great creator of all things. The perfection of liberty, therefore, in the state of nature, is for every man to be free from any external force and to perform such actions as in his own mind and conscience he judges to be rightest, which liberty no man can truly possess whose mind is enthralled by irregular or inordinate passions, since it is no great privilege to be free from external violence if the dictates of the mind are controlled by a force within, which exerts itself above reason."

Adams continues, "He, therefore, is the truest friend of the liberty of this country who tries most to promote his virtue and who so as far as his power and influence extend, will not suffer a man to be chosen into any office of power and trust who is not a wise and virtuous man. We must not conclude merely upon a man's haranguing upon liberty and using the charming sound that he is fit to be trusted for the liberties of his country. The sum of it all is, if we would most truly enjoy this gift of heaven—liberty—let us become a virtuous people."

I think Adams has many important things to say to us concerning the relationship between liberty and virtue—or freedom and morality, if you will. They are not enemies, as many would think, but best friends, inseparable. Freedom without virtue, to paraphrase Adams, is not true freedom, and virtue without freedom is not virtue. Both sides of the coin are necessary to have a balanced picture of freedom and virtue in this country. Adams would, I think, say that librarians who would try to prove their freedom—their intellectual freedom—by choosing material that really is seriously questionable, that has no value to the library system, simply to prove their freedom (which would be a rare event in most libraries in this country, but it would not surprise me that one out of a hundred or one out of a thousand would try to find the most questionable book they could, simply to prove that they have the freedom to do it)—Adams would say that such persons have become slaves to irregular and inordinate passions.

Adams didn't display his belief in freedom by wearing a lapel pin, having a bumper sticker on his horse, or carrying a protest sign. He put his life on the line. He was there when the Declaration of Independence said, "We pledge our lives, our fortunes, and our sacred honors. . . ." And those that signed the Declaration of Independence were the rich people, so when they said they pledged their lives and their *fortunes*, they meant it. They weren't pledging their tennis shoes and their knapsacks; they were pledging their wealthy businesses—and they lost them. And they lost their lives. So when Adams said what he said, he put his very life on the line. Someone who is willing to do that in the name of freedom has earned credibility in my mind. My first point, in summary, is that freedom and morality are no enemies—they are inseparable best friends.

The second statement I would like us to consider today is from Thomas Jefferson. He said, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical." Thomas Jefferson penned those words in 1776 in the Virginia Statute for Religious Freedom. I think that if we are going to seriously consider intellectual freedom for everyone in society—not just for those of us who are present today—I

think we have to wrestle with Jefferson's words. The essence of a First Amendment violation (and Jefferson's statement certainly has overtones and parallels to the First Amendment) is a violation of or a compulsion against conscience. Libraries, I believe, are significantly different from schools in this context because there is much less of a compulsion against conscience in a library than there is in a classroom in which a textbook is *required* reading. Nobody requires you to read any particular library book as a general rule, unless you're given it as a school assignment. As far as I understand, librarians would never require anyone to read any particular book. So there is a very different situation for compulsion against conscience in the context of a library.

You certainly have the right to have the Twenty-third Psalm, for example, or books on prayer in a library. However, Madalyn Murray O'Hair was successful in getting the United States Supreme Court to remove Bible reading and prayer from the classroom because that was a compulsion against the conscience of her son. (He's changed his mind since then, but at the time it was a violation of or a compulsion against his conscience.) And I agree. I think that decision was essentially correct, as long as it is applied with parity of logic to items like *The Learning Tree*.

The Learning Tree, for example, has in it a passage that says, "Clint wobbled precariously. He pushed in another shell. 'I'm going to get him for sure this time.' 'Get who, Clint?' 'I'm going to blow the ass off of Jesus Christ, that long-legged, white sonofabitch.'" Now when that's in the context of a required reading textbook for fourteen- and fifteen-year-old kids, that is a violation of or a compulsion against conscience because that kid *had* to read it, like it or not—just as Madalyn Murray O'Hair's son *had* to listen to prayers or *had* to read the Twenty-third Psalm, like it or not.

Libraries are in a much different situation. But there is an element of compulsion against conscience that needs to be considered in the context of libraries. It's not as great as in schools, but it should be considered because of the problem of taxation. Taxes, unfortunately, are not very voluntary. Therefore, if someone forces me to buy books that I disbelieve or abhor, they have intruded on my freedom in a way that Jefferson would say is sinful and tyrannical. Let me give you an example of two books which I believe raise in a poignant way the kinds of questions that will focus our attention properly today.

The first is a book I checked out of the Spokane, Washington, Public Library. It's entitled *Growing Up Feeling Good: A Child's Introduction to Sexuality*. (I actually was looking for a different book. A reporter from a radio station in Spokane told me he was concerned as a private citizen over a book called *A Way of*

Love, A Way of Life: A Young Person's Guide to Being Gay, but I was unable to find it when I went to the shelf. Right next to the empty space, however, was this book, and I started thumbing through it.) *Growing Up Feeling Good* was in the juvenile division of the library on an open shelf. And, by its contents, the book clearly is intended for seven- to ten-year-old children. In the book, for those of you who are not familiar with it, there is a full frontal nude picture of a teenaged girl and another of a teenaged boy. It shows a five- or six-year-old girl listening to the stomach of her friend with a stethoscope, with the caption, "It's exciting to see and touch each other's bodies." That sounds fairly innocent—until you consider the context. Four paragraphs before this statement, there is a description of the functioning of a girl's clitoris, including the statement, "When a girl rubs her clitoris, her whole body feels tingly and excited." Three paragraphs before the stethoscope picture, the book tells how boys have erections. Two paragraphs before that, masturbation is described. One paragraph earlier, curiosity about nudity is discussed. The paragraph after the stethoscope picture describes sexual fantasies and asks the child-reader if he or she has experienced these kinds of fantasies. In the context in which it appears, the innocent play of children with a stethoscope is associated with masturbation and sexual fantasies.

This book shows two nude adult couples engaged in making love. One couple is referred to as "lovers." The second couple is referred to as married. The book tells the kids all the four-letter words for making love. A step-by-step, detailed description of sexual intercourse is given. Then the book says, "Making love is a way of being very close in loving. People have sexual feelings toward people they don't love. Even toward people they don't know. When people act sexy in movies, TV, or magazines, it usually has nothing to do with love. Have you ever tried to act sexy? It's confusing. Sex is a way of being loving, but love doesn't always go with sex. And sex doesn't always go with love. People have many different ideas about it. Some think that it's okay for people to have sex as long as they love each other. Other people believe that you should be a certain age before you have sex. You may not be ready to figure out these questions. Finding the answers is part of growing up."

This book, I would contend, presents explicit sex without presenting moral values to children—and it is in an *open* shelf area. When I was growing up, it would have been impossible to have such a book in a public library or to give it to children in a public library. Now, intellectual freedom may allow people to use such a book, but it does not make it right for them to do so.

I object to such a book for at least two specific reasons. First, it interferes with my right as a parent.

I have three daughters. One of them is just learning to read. If I, as an unsuspecting parent, sent my child to the public library, I could have my child exposed to things that I would strenuously object to. They're my kids—not the library's. The libraries have no right to give them such a book without my knowledge or consent. It would be one thing to make this book available on a restricted-shelf basis—available to *parents* who would like to give it to their own children. I would not object to that. But to give it out without parental knowledge or consent is, in Jefferson's words, "sinful and tyrannical." I want to be the guide of my child's sexual understanding and growing up, not delegate that to the open-shelf policy of a public library.

The United States Supreme Court in 1968 upheld the criminal conviction of a bookseller for selling a sexually explicit magazine to a minor. The magazine was not legally obscene for adults. The Supreme Court held that parents are entitled to the aid of the power of the state to *shield* their children from sexually explicit material which the parents do not want their children to see. Is it logical, then, to send a man to jail for selling a kid a book that the kid can check out for free from the public library down the street?

I was compelled, as a taxpayer, to furnish contributions of money for the propagation of opinions which I disbelieve and abhor in *Growing Up Feeling Good*. Have librarians become tyrants? In terms of Jefferson's principle, I would think so—when they force people to buy the books that they abhor.

I said I was going to refer to two books. Actually, the second book is really a class of books. When I was preparing for this morning's presentation, I did some searching to try to find a public library copy of *Little Black Sambo*, *Nickodemus*, *Nickodemus and Sally*, or any of the other classically racist children's books. These books are classics. Why could I not find them? My dad is a public school principal, and I know where the *Nickodemus* books in his public school library went. They were thrown away, they were buried because they were considered racist. They are not in most libraries because a substantial portion of the American public considers these books harmfully racist. Librarians, I would submit, have censored *Little Black Sambo* and *Nickodemus*, but they would call it censorship if I suggested that *Growing Up Feeling Good* would be removed from the open shelves of the Spokane Public Library.

If someone suggests that a book is inappropriate in a library, they usually get accused of book burning. Are librarians book burners for taking *Nickodemus* off the shelves? I don't think so. I think the book's negative racism is inappropriate for a child's well-being. I think librarians have exercised wise choice in materials selection by removing such a book. But what is the great

constitutional distinction between book burning and book burying? Book burying was the practice used in Richland, Washington, recently to bury thousands of dollars worth of textbooks which were banned because the books were deemed by women's liberation forces to be sexist. Book burning is the practice I am accused of because of the litigation in the Mead School District case. Perhaps someone can tell my why I'm accused of book burning with much wailing and gnashing of teeth. No one complains about the removal of the books by the book buriers. Can anyone tell me why *Little Black Sambo* is out and nudity is in, and everyone believes in intellectual freedom? Intellectual hypocrisy is a better description of the move to remove *Sambo* and promote *Growing Up Feeling Good*—in the name of freedom.

Let me make sure that you're clear on what I am saying and what I'm not saying. I am not saying that we should put racist books back in our libraries. I am not saying that libraries should be prohibited from receiving tax dollars. But I am saying that we should use parity of logic with all groups who express concern over books, whatever the reason for the concern. And I am saying that as long as libraries receive tax dollars, libraries should be open to the feelings of members of the community who object to books, be they sexy books or sexist books.

The one and only straightforward criticism that I would level against this association is one with which I believe many of you would perhaps agree. The criticism concerns the suggested practice for handling citizen complaints. In the *Intellectual Freedom Manual*, published by the Office for Intellectual Freedom of the American Library Association, the title of the section outlining the handling of citizen complaints—Section Four—suggests the basis of my criticism. The section is entitled "Before the Censor Comes—Essential Preparations." The whole theme of this section is how to beat the objecting patron into submissive obedience with the club of the Library Bill of Rights and with the aid of the ACLU and the press. The fact that this approach conveys an attitude of "we're always right, the public's always wrong" is really not my complaint. My real complaint is that there's a charade going on that serious consideration will be given to the complaint and that a pretense is made that if a complaint is valid the library might even remove the book.

On page eleven of this section, this statement is made: "When a citizen with a complaint is asked to follow an established procedure for lodging his complaint, he will feel assured that he is being properly heard and that his objections will be considered." He is asked to fill out a form, which requires a lot of work on the citizen's part. But that is, I believe, in the light of the entire chapter, a meaningless and frustrating exercise.

The manual says, "After the censor comes, censorship of library materials can be resisted by informing a number of key sources"—and it tells you seven key sources to inform.

The manual goes on to suggest how to beat this guy to the local newspapers, referring to the citizen as "Big Brother." This manual misrecalls George Orwell; Big Brother was a government official, not a private citizen off the street. This practice is a mockery and should be stopped immediately. If you're going to take the position that you will defend a book regardless of its content, then let's be up-front about it. Tell the citizen when he walks in that you're going to defend it and don't make him fill out meaningless forms and waste his time and yours. Defense of intellectual freedom does not give you a license for intellectual dishonesty.

I also believe it is very wrong for libraries to say, "The public be hanged; we shall do as we please in the name of freedom." If you're going to accept the benefit of taxation, then the public has a *right* to a meaningful voice in its expenditure. The one overriding principle of the American Revolution was no taxation without representation—and I believe that principle has application to libraries today.

Well, how then can we work together? I think that this seminar, by its very occurrence, recognizes that concerned moral citizens are going to be coming to you more frequently in the future—this is the wave of the 1980s. For example, our organization in Washington State, of which I am the director, has over twenty thousand active members. We are the largest political action group of any kind in the state of Washington, except for union organizations like the WA Teachers Union and the Boeing Airplane Workers Union. But as far as voluntary, citizen-based organizations are concerned, we're the very largest. I think that we need to learn to work with one another. Our organization is helping people to effectively exercise their First Amendment freedoms of association, speech, and petitioning the government for redress of grievances.

The tension over books like *Growing Up Feeling Good* and other titles like *A Way of Love*, *A Way of Life: A Young Person's Guide to Being Gay* are going to continue—these tensions are not going to cease. You must work with us, just as we must work with you. Neither side can insist on the luxury of always being right. We simply ask that libraries show the same sensitivity to the feelings of people who believe in traditional morality that has generally been shown to blacks in the context of materials selection. I think every group is entitled to legitimate and sensitive consideration of its feelings.

If you want to have people enthusiastically support libraries with their taxes, a little sensitivity is not too much to ask. I would make just three basic suggestions

to increase sensitivity, and with this I close. First, I think that you need to be sensitive in the area of children's materials in a different way than you are sensitive to adult materials. I think that policies relative to children, insofar as they touch on the parental right of bringing up children in the marketplace of ideas, have to be specifically considered. And I do not think that a totally open-shelf policy is the best answer here when it comes to children, especially children and sexuality, or children and violence, or things of that nature.

The second suggestion I would make—and these are only generalized suggestions—is related to selection policy for adults. Now, as long as libraries are not buying material that is legally obscene (and I have never heard of a library that has bought a legally obscene book or film—like *Deep Throat*)—as long as we're staying out of that area, I think that the key thing for libraries vis-à-vis adults is balance. As long as we can go to the library and find Francis Schaeffer and C. Everett Koop's *Whatever Happened to the Human Race?* and Tim LaHaye's book on sexual relations in marriage, along with books like the ones I saw on swinging couples and things like that—as long as there's that balance, I think that you're serving the adult population well. I would say that books should also have some merit in addition to being balanced, but that is a professional choice on your part, not on mine.

The third suggestion I would make is that libraries shouldn't become like television, promoting gratuitous sex and violence and garbage just because the people sit there and watch it. I think we need to have a little higher standards for libraries and for reading than that. The people who are escaping television need to have a legitimate place where they can go to get a different sort of fare for their intellectual and entertainment curiosities. Simply giving gratuitous sex, violence, and garbage because it's available is not a very healthy thing for libraries to do.

I commend this organization for conducting this seminar. I thank you for your attention. And I really, sincerely, mean it—we've got to learn to work together. Let's stop calling one another names; let's not call people book burners; let's not call them pornographers. Let's work together as citizens and see if we can make America a better place to live. Thank you very much.

(censorship war . . . from page 150)

world. Rather, education is to be conceived of as a means of conveying absolute truth that is to be unquestioned. Independent thinking should not be allowed, for it might provide for error. Education then becomes a method of instilling correct behavior, correct perceptions, correct ways of looking at the world. All else is evil and must be punished and censored.

The social consequences of such perceptions may be seen today in fascist and communist countries that are afraid of allowing freedom of thought. In America, however, we support the right of free access to information. Fear of ideas has no place in a democratic library.

We are once again hearing the rhetoric of true purity, true knowledge, and true understanding by groups whose use of evidence, whose decency, and whose regard for democratic pluralism is subject to serious question. Their rhetoric is having an impact.

Listen to the words of leaders within the new and evangelical right. "We believe," claims a statement from *Christian Voice*, "that America's rapid decline as a world power is the direct result of (moral) breakdown, and a sign that satan's strategy is on or ahead of schedule. If Christians unite, we can do anything. We can pass any law or any amendment, and that is exactly what we intend to do." Gary Potter informs us that "when the Christian majority takes over this country there will be no satanic churches, no more free distribution of pornography, no more abortion on demand, and no more talk of rights for homosexuals. After the Christian majority takes control pluralism will be seen as immoral and evil, and the state will not permit anybody the right to practice evil."

Using sophisticated technology, "issue" politics, and tactics of fear for political gain, the new and evangelical right has grown today to challenge democratic principles of diversity and pluralism, of freedom of information, and of the right to independent thought. "We must prove our ability to get revenge on people who go against us," claims Howard Phillips, of the Conservative Caucus. "We're radicals working to overturn the present power structure of this country," claims Paul Weyrich, of the Committee for the Survival of a Free Congress. "We believe," claims Richard Viguerie, of the new right's direct mail complex, "that we should be in politics as a way of improving the world from a religious concept."

Leaders within the new and evangelical right are working hard. They are dedicated and they intend to change morality and politics into what they regard as true politics and true morality. They have every right to do so—that is not the issue. What is evident is that their strident posture is dividing us as a nation, weakening the foundations of public debate, and raising serious questions about the use of evidence and decency as tools for maintaining the democratic process.

An illustration of the tactics and the rhetoric may be found in some of the recent campaigns across the nation. In a startling commentary by Senator McIntyre in his book *The Fear Brokers*, he writes, "My concern is the desperate need for people of conscience and good will to stand up and face down the bully boys of the

radical new right before the politics of intimidation does to America what it has tried to do in New Hampshire."

The technique for political gain by the new right is predictable. Begin by finding out what makes people angry, make them angrier, and divide the discourse into two separate camps—one absolutely right and the other absolutely wrong—then ask for money. Select and train a candidate of your persuasion, relate that candidate to the issues that you have developed, and hope to get him elected. Issues such as gay rights, unions, taxes, textbooks, godlessness, and abortion have been used with considerable skill by the new right. And, it should be noted, these groups have used them outside the context of traditional Republican and Democratic politics. There are no elected leaders, there is no accounting by the membership for the tactics used, there is no vote within the new and evangelical right. "People want leadership," claims Robert J. Billings, of the U.S. Department of Education. "They don't know what to think for themselves. They want to be told what to think by those of us here close to the front."

Members of the new right would have us believe that they enjoy a mandate from the majority of Americans, that their values are the values of the majority, and that the election of a conservative President means acceptance of their social and political program. The facts will show that they are not as strong as they would have us believe. But they are well organized, well funded, and politically sophisticated. They will be a force for the foreseeable future. This is due in part to the continuing stress and change in our society and in the recognition that the issues they select are perceived by many as real problems. Is there anyone here who is not concerned about violence, about inflation, about taxes, about the family, about drugs, or about moral behavior? What distinguishes groups on the extremes is not necessarily the issues, but the extreme manner in which they seek to resolve them. One must look to the evidence used and to the decency of their interaction with others. The politics of extremism seeks to divide and conquer rather than to unite.

There is at present a new group you will be hearing from—if you haven't already. It is called the Pro-Family Movement. Its leadership is from the new and evangelical right and encompasses selected representatives from the anti-abortion, anti-sex education, anti-equal rights for women, and anti-homosexual groups. Speaking of the Pro-Family Movement, Paul Weyrich claims, "This is really the most significant battle of the age old battle between good and evil, between the forces of God and the forces against God that we have seen in our country. We see the anti-family movement as an

attempt to prevent souls from reaching eternal salvations and as such we feel not just a political commitment to change this situation, but a moral, and if you will, a religious commitment to battle these forces." The self-described bible of the movement is Connie Marshner's book *Blackboard Tyranny*, which advises right-wing groups to exploit "moral objections, ideological objections, and practical objections to the state of schools." "If you mean to circulate a rumor, don't do it on your official stationery or in the name of your group." And when mounting a letters-to-the-editor campaign, "the crucial thing here is not to give the appearance of an organized campaign." When truth is known, there is often an irresistible urge to win at all costs.

We are caught, it would appear, in a whirlwind. Buffeted by winds of change from the left and the right, it would appear that we can expect such storms to continue as our society and societies all over the world experience frustration and differing values. What remains is the commitment of a democratic society to provide a basis for humane interaction based on knowledge and free thought and to examine the evidence. How vital it is during difficult times to protect and support our schools and our libraries.

"The church," claims Jerry Falwell, "should be a disciplined, charging army. Christians, like slaves and soldiers, ask no questions." "Any time the faculty at Liberty Baptist College start teaching something we don't like, we cut the money off. It's amazing how that changes philosophy." "For our nation this is a life and death struggle and the battle line for this struggle is the textbooks." "Our children are being trained to deny their 200-year heritage. Most public school texts are nothing more than Soviet propaganda. We must rise up in arms to throw out every textbook that does this to America's school children." "We should learn," claim Norma and Mel Gabler, book reviewers of the right, "history that is real history, science that is science."

What is true history? What is the American heritage? Dare we paint a picture that will reveal the truth of the greatness and the weakness of the human condition? "Paint me with my moles," said President Lincoln to the White House artist. "Paint me with my moles." What a great man he must have been!

During times of stress and confusion we tend to forget the evidence. This is especially true regarding the role of religion, morality, the family, and women in American history. Let me give a few examples.

First, the evidence suggests that the founding fathers were fully committed to the separation of church and state. During the revolution, five states made special efforts to bar ministers from holding public office. Section 16 of the Virginia Bill of Rights was

concise: All ministers of the Gospel, of every denomination, were declared incapable of being elected members of the House of Assembly or of the Privy Council. No clergyman or preacher of the Gospel, ran article LXXX of the North Carolina Constitution of 1776, "shall be capable of being a member of either the Senate, House of Commons (Assembly) or Council of State while he continues in the exercises of the pastoral function." When the Constitutional Convention was formed, none of the 55 men who attended were clerics. The name of God was not only omitted as a legislative embellishment; it failed to appear in the Constitution at all. The Convention had no chaplain.

Furthermore, the old-time morality is a patchwork of inconsistency—hardly something we should want to get back to, even if we could. Among the Puritans, bigotry and religious intolerance appear to have been common phenomena. The Plymouth Pilgrims refused to grant citizenship to Quakers. Cotton Mather denounced Christmas as a "popish holiday." Delaware fixed the legal age of consent—the age at which a girl could legally have "carnal relations with the other sex"—at seven. Prostitution in the old West appears to have been a highly regarded activity on the part of many. They called bordellos "hog ranches." At least one observer of the times suggests it was the bordellos that provided morality for the frontiersmen, for it was in them that men were required to watch their language and behavior and to take a bath. In San Francisco in 1913, a group of prominent clergymen called the mayor to stop the development of a clinic to treat venereal disease. Several were quoted as arguing that "if God had wanted venereal disease to be eradicated, he wouldn't have given it to women in the first place." Perhaps the real problem of morality surfaced in the 1880s during the bicycle craze. Frances Willard urged women to take up cycling for increased freedom as well as healthy exercise. Critics imagined the bicycle as a social vehicle for transporting girls into prostitution. Alarmists feared that her contact with a bicycle seat might cause a woman's moral downfall and destroy the family. History repeats itself, first as tragedy, then as farce.

How easy it is to forget our weaknesses and to glorify our precious assumptions. What remains is our need for access to information. To learn from the greatness and the weakness of the human condition. As Josh Billings once observed, "It ain't that we don't know. It's just that so much of what we know just ain't so." And, we might add, the key is to protect our access to information so we can find out what ain't so. We need strong libraries, strong schools, courageous teachers, and courageous librarians.

Our history is replete with examples of greatness, silliness, and confusion. It is a great history that should

not be forgotten or smothered over for the benefit of some ideology or moralistic point of view.

For many within the new and evangelical right, the campaign seems to center on allowing only that information which is perceived as absolutely correct to surface. When truth is known there is no need for discussion. The problem, of course, is that truths appear to be very much a matter for debate, and the protection of debate lies in an affirmation of the right to information.

Our protection lies, I believe, in the reaffirmation of three very precious principles. First, a commitment to decency in our interaction with others—a commitment to faith in the American public to recognize the goodness that is in each of us. Second, a commitment to the rules of evidence. And third, a commitment to access to information and public dialogue, which is necessary if we are to continue to strive for new insights and to maintain the democratic process itself. But to such a commitment comes a reminder that it only works if we *all* become involved and participate in the public debates about our society and the world, and look at the evidence together. “Liberty,” claimed Jefferson, “is a boisterous sea.” And controversy, we might add, is as American as apple pie.

Critics of the left and the right will be with us for the foreseeable future. What remains is the necessity for the majority of our citizens to understand and to be committed to the freedom of ideas, the pluralism in our society, and the protection of everyone’s rights to see the world as he or she desires.

There is no plot. There is no godless humanistic conspiracy. There is only a commitment in our pluralistic democracy to provide access to information and to protect freedom of information.

Our biggest problem is not really with the left or with the right; rather it lies in maintaining support among the majority of our citizens about the nature of democracy and the purposes of intellectual freedom. We will need to reinforce the importance of our schools and our libraries in the present storm. Those who are susceptible to the extremes of the left and the right must be reassured by facts, patience, decency, and, when necessary, the orderly due process of law. We have precious work to do in the months ahead.

In San Francisco during the early 1920s there was a saying: “Are you married or do you live on Bush Street?” Bush Street at the time was the other side of the tracks. It consisted of a series of bordellos. Such a statement was used to determine if the lady in question was for sale to the highest bidder or if she had integrity. I suggest that during times of stress we, too, can expect to be challenged with questions of our integrity. Are we married to an appreciation of diversity, to the right to know, or do we sell our services on some intellectual Bush Street to the highest bidder?

Reaffirming our nation’s commitment to freedom of thought will provide the ballast for our future, a future in which we will desperately need to come together and learn to become more humane and more sensitive to the rights of others. If we can commit ourselves to helping others to understand and appreciate the pluralism in our midst and the nature of democracy, then, perhaps, we can join together in a coalition that is a democratic and moral majority of liberals and conservatives, of Democrats and Republicans, dedicated to learning to live together, basing our perceptions on facts and evidence, and facing the challenges before us to the precious guarantees of the Bill of Rights and the Constitution.

Librarians may at present be misunderstood, unloved, and abused, but there has never been a time when we have been more needed, more important, and more significant than we are today.

I wish you courage and continued commitment to the principle of free ideas. The protection of inquiry constitutes the first line of defense for the continuation of democracy.

(on being prepared . . . from page 151)

community. Saskatoon is the center of a rural-based plains area, like the Dakotas, for example, and is traditionally thought of as being Bible Belt, or mildly conservative. However, there is a socialist base in this province, which is conservative from a socialist perspective, but generally humanist as well. Saskatchewan is notorious for having the highest teen pregnancy rate in our country. Saskatchewan high schools have a very poor sex education program—materials in the school libraries are continually being challenged and removed. So we are painfully aware that the Saskatoon Public Library is the last bastion of support for these materials. And we felt that maintaining the availability of these materials was absolutely necessary.

The chief librarian, of course, participated in television and radio panel discussions with some of the Renaissance people and pro-life groups who were challenging her. She had the backing of key members of the library board, one of whom was quoted as saying about one of the films we were showing, *About Sex*, that he wished he had seen it when he was a teenager.

On the Saturday of the program, we had a large number of people from the community—a quite different kind of group than we had anticipated: doctors, gay advocates, family planning workers, superintendents of schools, boys’ and girls’ club leaders who were very involved in working with their young people, Mental Health Association counselors, parents accompanying their teenage children, and younger people

as well. It was almost as if the large, silent majority out there had answered our call. We did not anticipate this—we were actually preparing for a very serious confrontation. What happened during the day was that a very fruitful discussion was set up between the various groups; it was so successful that we even had young people commenting on some of the issues and telling the adults in the group that they needed this material.

Of course, the library gained tremendous credibility by sponsoring this program. And the letters of support we received from large segments of the community were really very, very gratifying. We sent evaluations to all the participants and discovered that there was even more of a need for this kind of program than we had anticipated. In fact, many of the parents wanted to have a follow-up and continue the program. We are currently planning to have in-depth discussion groups with parents and their young people, through children's and young adult services, and focus these discussions entirely on sexuality materials that are available.

I can't help but admit that I was feeling very weak-kneed the day before the program; I thought this might be too much for me to handle. But I found that I didn't have to handle anything at all; it was all handled for me. I think that the key to our success was the preparation ahead of time and the determination to make the program work. Somehow we knew that we were doing okay. We knew that the materials we had set up were a balanced collection, and we knew that they were fine pieces of work. We had checked this all ahead of time. I think that perhaps I'm misjudging the movement that's happening here in the States. We are getting the same pressures in Canada, and—if we are assertive about it and take courage—I think that as public libraries we can count on community support if we just get to know our community and set up our own lobbies.

In Saskatoon right now, we're establishing a human rights association counter-lobby group so that we can keep ourselves better informed about all the broad-based "anti-" movements that are threatening to limit our freedom. I see some very positive influences growing. I don't believe you can ever work on your own—I think you have to work in groups and you have to learn to set up these groups. It behooves us as librarians to become involved in our communities, to really know where our strength lies and to encourage it.

Thank you very much.

(Ms. magazine . . . from page 152)

their recommendations. The nine members—three parents, three teachers, and three administrators—voted unanimously to recommend that the school district keep *Ms. magazine* on the high school library shelves.

This decision did not dampen the ardor or enthusiasm of the zealots from the Committee to Improve the Public Schools, however. As I left the hearing, I was accosted by a member of the Committee, who asked me, "Reverend Christiansen, do you have any children?"

"Yes," I replied, "a son eleven years old."

"Does he fornicate?" she asked.

"My dear woman," I replied, "he's only eleven years old."

"What about when he's fifteen or sixteen?" she asked.

I answered, as honestly as I could, that I wished him all the luck in the world.

Later, I found my car covered with mud, and within hours the late night and early morning phone calls began.

But I was lucky. When the fact-finding panel recommendation, which of course was only advisory, was presented to the school board two weeks later at its regular meeting, literally hundreds of Christian fundamentalists, many carrying Bibles, packed the meeting and not only shouted down speakers who opposed their demand for a ban on *Ms. magazine* but actually threatened them with bodily harm.

At this meeting, the school board voted 3 to 2 to reject the recommendation of the fact-finding panel and, in effect, to impose an immediate ban on *Ms.*

And so the tenth largest school district in our largest state capitulated almost overnight to a nationally coordinated and nationally financed literary lynch mob: a group bent on repealing laws that presently guarantee women their right to a medically safe abortion, a group bent on defeat of the Equal Rights Amendment, a group that seeks ultimately to destroy our most cherished freedoms and impose on us a theocratic government in which public schools and libraries will be used to indoctrinate our children in a philosophy of ignorance, fear, and hate.

It has happened here, and it can happen everywhere—unless those who really do believe in the freedom to read stand up—and stand up now.

(Virginia Beach . . . from page 153)

It seems that there have been several instances of attempts to censor gay or gay-related materials in Virginia. Fairfax County Library established an exhibit of gay materials, entitled "Lavender Life," which drew several complaints from members of the community. In that case, the library board decided to retain the exhibit but added some materials that reflected an anti-gay point of view, an addition which the board said represented an effort to make the exhibit more balanced.

Having been through a censorship struggle involving gay material, I can identify some general objections

which arose during our eighteen months of controversy. I think these complaints would have been the same had our controversy been over sex education materials or books on evolution, rather than a gay newspaper.

1. *The materials represent an unacceptable viewpoint and should not be presented in the library.* The church groups published a pamphlet called "Medical book, yes: *Our Own*, no." Fortunately, they didn't turn their sight on the gay rights books we also have in the library. Their sole purpose was to remove our only available source of information on the activities of the local gay community, their parents, and their friends. I have no doubt that if the proponents of the referendum felt that they could wipe out all homosexuality in Virginia Beach, they would have done so.

2. *Because the library should be a "safe" place for children, it should not contain any "distasteful" materials which children might be exposed to.* Even if we disregard what this philosophy might do to a child's freedom of inquiry, it still leaves us with the question of who is to judge what is "distasteful." If left to the Coalition for the Family, gardening books and cookbooks would probably be our stock in trade.

3. *Majority rule should determine library selection and acquisition policies.* Claiming an overwhelming victory, the proponents of the referendum said that it was the will of the people that this publication be removed. I can presume that surfing books might be handled in the same majority vote, either/or way. Our literature in this ordeal reflected the Library Bill of Rights precept that libraries are based not on the democratic principle of majority rule but rather on the First Amendment. That is, minority opinions, no matter how unpopular they might be with the majority, should be represented. When I found out that 14,000 people had voted yes to the question—yes, the library shall have materials whose *primary purpose* is to depict homosexual acts—my first reaction was to gasp at the fact that we had a major gap in our collection. We had acquired books based on one or two requests, but perhaps as many as 14,000 patrons were interested.

4. *The library should not be seen as advocating a point of view.* If we have books on communism, we're advocating communism; if we have books on gay rights, we're advocating homosexuality. We stressed that the only things libraries advocate is the individual's freedom to read, the individual's right to expression, and the individual's access to ideas. It's not the business of the library to defend a group's principles but rather to defend all sides of all issues. We were defending the right of both Anita Bryant and the gay community to be represented on the library's shelves. And as long as their ideas are fighting it out on the bookshelves of the library, then I feel the librarians are doing their jobs.

(creationsim . . . from page 154)

special creation. We cannot discover by scientific investigations anything about the creative process used by the Creator" (Gish's italics). If we cannot use scientific investigations to explore the subject, however, then where is the science in "scientific creationism?"

The predictive qualities of science. Science, in its role as an organized set of facts, lets us make inferences and draw new conclusions as we acquire more knowledge. This often leads to unexpected changes in our world view. It was once observed, for example, that people who worked around cattle tended to contract cowpox. Cowpox is similar to smallpox but is a much milder disease. The people who had cowpox were subsequently immune to contracting it again. More importantly, they were immune to deadly smallpox. These observations led to the ideas of vaccination and immunization and in turn to the total elimination of smallpox and the control of many other dangerous infectious diseases.

Evolutionary biology is practical and predictive. It is not an esoteric philosophy, a web spun from within academic lairs solely to ensnare budding psyches and draw them into a cabal. It is a practical body of knowledge with applications in such areas as agriculture, pest management, and medicine. Evolutionary biology predicts and explains why resistant strains of bacteria form in the face of extended use of antibiotics or why insects can overcome our pesticides. Creationism, on the other hand, has never and (as far as I can see) will never be able to make any realistic predictions bearing on any scientific endeavor, whether in medicine, agriculture, or wildlife management, because it says nothing about the ongoing processes of life.

Intellectual honesty. Creationists have made a number of claims that are patently untenable in the light of scientific facts. They insist, for example, that evolution has not occurred or could not have occurred because of such supposed evidence as "a lack of intermediate forms in the fossil record" or because "human footprints appear alongside those of dinosaurs." On the contrary, we have excellent examples of fossils with characteristics intermediate between a descendant group and its progenitor. As for the purported footprints, the creationists are at best promoting a hoax. In these and many other instances, the creationists simply ignore the evidence.

However, as a particularly blatant case of intellectual dishonesty by creationists, and one of their most frequently used arguments, none can match the claim that evolution violates the Second Law of Thermodynamics. Briefly, the Second Law states that all systems in the universe, and indeed the universe itself, are headed inexorably toward greater and greater

degrees of randomness. That is, everything in the universe will become less complex and ultimately totally disorganized. Mountains erode; iron rusts. No matter how well your car is built, this law predicts that it will rot to nothingness. Creationists argue that if evolution has produced ever more complex forms of life beginning with simple one-celled organisms, complexity is being increased in violation of the Second Law. But if evolution violates the Second Law then so does life itself. We humans, along with most familiar plants and animals, begin life as fertilized simple cells. Through the processes of growth and differentiation we become very complex. Cells are more complicated than their constituent molecules, organisms are complex groups of cells, and so on. Creationists have great problems understanding how complexity can increase if the Second Law is true. Therefore, they must invoke miracles to explain how life can exist at all.

Throughout all of this, in what has to be a most spectacular case of oversight, the creationists have conveniently and repeatedly neglected the existence of the sun. Our fortunes on Earth are completely tied to the sun, and the sun (and thus the entire solar system) is becoming more random; the entire system is headed unavoidably toward a lower energy state. The sun is burning itself out; in 4 billion years it will take us with it. However, as long as the sun floods the Earth with radiant energy, the processes of life can trap this energy and use it to overcome chaos. Plants use sunlight to photosynthesize food for themselves; certain animals eat the plants and other animals eat the herbivores. Evolutionary processes, being based on the biology we see all around us, can proceed quite nicely. The Second Law of Thermodynamics does not deny a *temporary* buildup of order in pockets of the universe. Ultimately, the sun will burn out and that will be the end of life and evolution on Earth. Until then, the Second Law is neither violated by evolutionary biology nor by the existence of living organisms.

The creationists cannot all be such poor scientists that they have misinterpreted the role of the sun or overlooked its existence. Whatever the cause, however, their distortions have been pointed out to them many times. Despite this, they persist in publishing arguments against evolution (e.g., H. M. Morris, 1977, *The Scientific Case for Creationism*). Evolution does not violate the Second Law of Thermodynamics, but creationists do violate the Ninth Biblical Commandment—they are bearing false witness.

There are other problems with this ostensibly "scientific creationism," but I must be brief. I hope I have demonstrated why creationism is in no way scientific and deserves no time in a biology classroom or in the science section of a library, except as a bad example.

Science is only one means of ordering our perceptions; art and religion are examples of other equally valid systems. One cannot be said to be better than another. However, if a claim is made that a system is scientific, it must adhere to the definition of science. Science is misused when anyone feels free to force reality to conform to prejudice. We all learn nothing and potentially lose much.

(books and book stores . . . from page 159)

and magazines that contain pictures of nudes or explicit descriptions or depictions of sexual conduct, or banning minors from their stores.

The American Booksellers Association, the Association of American Publishers, the Freedom to Read Foundation (affiliated with the American Library Association), the National Association of College Stores, and other such reputable organizations have instituted legal action to challenge the constitutionality of such legislation in Pennsylvania, Georgia, and California. An appellate court in California and a federal district court in Georgia have issued temporary restraining orders proscribing the enforcement of the challenged legislation in those states. On September 8 and 9 in Georgia and on September 22 in California, hearings were held to determine whether such restraining orders should be lifted pending the outcome of these legal actions, but at this writing no decision has been announced.

All of the statutes in question share two common characteristics:

1. They are patently designed to regulate the sale of books that are clearly entitled to constitutional protection with respect to adults. Unfortunately, the net effect of such statutes will be to cause bookstores, supermarkets, and convenience stores, all of which must permit minors on their premises, to sell only those books which would clearly not be objectionable to minors of any age. This, in the now famous words of the Supreme Court in *Butler v. Michigan*, would be to "burn the barn in order to roast the pig."
2. They include such operative words or phrases as "lewd," "immoral," "harmful to minors," "likely to arouse lust in minors," and "descriptions or depictions of nudity or explicit sexual conduct." Such phrases are so vague and subjective in nature that most First Amendment attorneys consulted by this writer have expressed their opinion that these statutes are unconstitutional.

Unfortunately, litigation of this type is expensive. The groups supporting the legislation in question do not bear the cost of litigating the constitutionality of these statutes. That cost is borne by the taxpayers. Thus,

to the extent that such statutes may proliferate, the opponents of this type of legislation may find themselves short of the funds necessary to challenge what appear to be patently unconstitutional violations of the First Amendment. By contrast, the proponents of these laws are formidable. Their lobbying activities in all 50 states are well financed. Thus, it would not be surprising if similar "minors access" and "display" legislation were introduced in other state legislatures during the early part of 1982.

Libraries, school boards, and bookstores throughout the country are under increasingly greater pressure to remove from their shelves books deemed "morally, politically, or socially offensive" by groups such as the Moral Majority. Many have acquiesced.

It is time to recognize that the root causes of anti-social conduct and immorality are to be found in family and peer relationships and environment but certainly not in books. It is time to reaffirm our belief in the First Amendment rights to freedom of speech and press and to vigorously oppose any efforts by self-appointed guardians of morality to impose their views of good and evil upon the rest of us.

*Former Justice William O. Douglas regularly referred to intolerant people as "Philistines."

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(bend, but don't break . . . from page 160)

board. The next day he spent two hours at her office harassing her again. It wasn't until the Rev. Hampton learned that he could be served a harassment warrant that he discontinued his tactics. Letters to the editor on both sides continued to appear in the local newspaper almost daily.

About a week before the August board meeting, a local television station did a two-segment special on the controversy. By this time, community interest in our "tempest in a teacup" was high, and we expected a large turnout at our board meeting.

In the four years prior to the controversy, we had had a total of six visitors at board meetings. When we walked into the August board meeting, more than 150 people were waiting to find out how the library board would handle the request to remove the three books from the shelves.

We were ready for them. We had moved to a larger room and had set up all the extra chairs we had. The president and I had met earlier to establish the procedures for hearing comments from the visitors. We had arranged with a local attorney to act as parliamentarian for the meeting. The last thing we wanted was a disruptive free-for-all.

The Kansas Open Meeting Law guarantees the public the right to attend and observe library board meetings. It does not grant the right to speak. In this case,

however, because the board was interested in hearing from those who had something to say on the issue, we devised a method of hearing from as many people as possible in a relatively short period of time.

Those who wished to speak on the issue were asked to fill out a card and answer this question: "Are you in favor of removing the books? Yes or No." Twenty-four cards were turned in to the board before the meeting started. Eight were in favor of removing the books, the rest were opposed. Each person was given three minutes to make a statement. Comments for and against were alternated for thirty minutes, after which the president closed the public discussion. Each of the board members had an opportunity to say how he or she felt about the question, and then the vote was taken on the motion to remove the books. The motion was defeated five to one.

While many of the board members expressed negative personal feelings about the content of the books, they felt the materials should be available for parents who want to use them with their children. So the "triple-X-rated books" in the Children's Department of the Great Bend Public Library had been vindicated. But the controversy may still not be over.

Word leaked that some people wanted to have *Show Me!* declared legally obscene. We hope the issue will slowly fade away, but who knows? At the last city council meeting, a member of the council brought a copy of *Show Me!* What he intended to do with it I still do not know. Whatever it is, I am confident that the state law regarding the library board provides sufficient separation of powers between the library board and the city council to prohibit any serious threat of reprisals from other groups for the action taken by the board. Since the board did not act immediately on the Rev. Hampton's request to remove the books, he appeared at the next city council meeting to ask its members to do something about it. He suggested that the city council set up a watchdog committee to oversee the books that go into the Great Bend Public Library. But his suggestions were met with very little support.

(boycott here . . . from page 158)

to support continuous monitoring. The NCTV found, for example, that while TV sex has decreased, TV Violence has increased—by forty percent in a six-month period. Noting this increase, Thomas Radecki, M.D., chairperson of the organization, said in a letter mailed nationwide, "Common sense and scientific study both clearly show that perhaps the largest of several causes for this culture of violence is the massive amounts of violent entertainment on our television and in our theaters." Members are asked to boycott products made by sponsors of high-violence programs, such as Mazda and Nestle, and to write letters indicating their displeasure and intention not to buy.

intellectual freedom bibliography

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