

newsletter
on
intellectual
freedom



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survey reports rise in school library censorship

More than 50 percent of high school librarians responding to a national survey reported some form of censorship pressure this year, Lee Burress, Professor of English at the University of Wisconsin at Stevens Point, announced November 20. *Go Ask Alice*, a diary of an anonymous teen-age girl who fell into drug use and committed suicide, was reported to be the most frequently censored title. The survey of 860 librarians in school systems around the country was funded by the Robert Pooley Foundation of the Wisconsin Council of Teachers of English and co-sponsored by the Committee Against Censorship of the National Council of Teachers of English. The report was written by Professor Burress and his son, David, an economist from Madison, Wisconsin.

Among the major findings of the survey is a steady increase in censorship pressures on books, periodicals, and films. This was the fourth such survey conducted by Professor Burress since 1966. The survey report indicated that 34 percent of those surveyed reported challenges to books, most frequently by a parent or group lodging a complaint with school officials. In 1977, Burress said, 30 percent reported such challenges and in 1973, 28 percent. In 1966, the figure stood at just 20 percent. The survey also found that 17 percent of the respondents reported challenges to periodicals, an increase from 8.5 percent in 1977. Challenges to films was reported by 8 percent of the surveyed librarians, a very slight increase from 7.5 percent in 1977. Figures for periodicals and films were not available from the 1966 and 1973 surveys.

Burress noted that one finding of the 1972 survey which contrasts sharply with the results of previous surveys, is the relatively high percentage of respondents reporting a locally organized group of library or curriculum critics. For the first time since he began asking about censorship, Burress said, 17 percent of the librarians reported the involvement of such groups in censorship pressure. In previous surveys this figure had been less than one percent. "I think that's kind of disturbing," Burress commented.

The most challenges were reported in the Northeast, with 56 percent of those surveyed reporting censorship incidents. The Midwest and West were tied for

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

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debate deepens on textbooks in Texas

The controversy over textbook selection in Texas continues to grow (see *Newsletter*, November 1982, p. 198). In October, Texas Education Commissioner Raymond Bynum directed publishers of approved health education textbooks to delete "all references" to venereal diseases in elementary and junior high school textbooks, but just one week later the order was rescinded. The reversal came on October 29, after strong opposition to the move had been voiced by state health officials, members of the Texas Board of Education, and such unusual bedfellows as conservative textbook watchdogs Mel and Norma Gabler of Longview, and Gabler critic Michael Hudson, Texas coordinator for People For the American Way. "If you're going to teach anything about sex education at all," said Mel Gabler, "I think VD ought to be discussed accurately, clearly and specifically."

Bynum offered various explanations for the order. At first he argued that the question was whether the decision to teach about venereal disease should be made by the state or local school districts. Once the subject was removed from the textbooks, he argued, local districts would still be free to teach it if they so desired. State health department officials, however, had long been pushing for a state-wide program of venereal disease education to begin at the seventh grade. According to health department spokesperson Joe Pair, the incidence of syphilis increased 26 percent in Texas in 1981, and some 18,548 cases of gonorrhea were reported among youths aged 15 to 19.

Later Bynum explained that the question of local control was less important than that of accuracy and timeliness. He said Texas Education Agency staff members had feared the information on sexually transmitted diseases could be outdated by the time it reached the classroom. For instance, he said, the proposed new health books say there is no cure for herpes, but by the time the books are in use, there may well be a cure.

Publishers of health texts still face requests for revision, however. At its November 11 meeting, the State Board of Education, acting on Bynum's recommendation, decided to postpone until January the selection of health books for Grades 4 through 8, pending rewriting of drug chapters by the publishers to provide more information on legal and illegal drugs. "We want textbooks written in such a way that dissuades people from using drugs," said one board member. "As it is now, there's usually more on caffeine than marijuana."

The Board also voted to postpone until January its decision on the selection of eighth-grade civics books.

Rejecting the recommendations of the State Textbook Committee, the Board decided to request publishers to add more historical documents, including the Gettysburg Address, the Mayflower Compact, the American Creed, and the Federalist Papers, to textbooks. The decision came after the Gablers told the Board that at least one civics book recommended by the Committee "presents the United States in a bad light. It makes the student feel guilty about the quality of American life."

At the Textbook Committee hearings in August, the Gablers had also objected to several home economics texts for sixth- through eighth-graders. They complained, for instance, that the definition of the family offered in Bennett Publishing Co.'s *Today's Teen*, which says that "generally speaking, a family is a group of people who live together in one house," was "ridiculous." Bynum directed Bennett to replace the definition with one that says a family "is a group of people who are related by blood or marriage and live together in one house." The publisher was instructed as well to delete a section headed "Nonrelated Families." Ginn & Co. was also told to make similar changes in its homemaking textbooks.

Meanwhile, criticism of the Gablers' influence and of the textbook selection process itself continued to mount. In a written statement released on the day of the Board meeting, the president of the Texas Council for Science Education, Professor Steven Schafersman of Rice University, charged that the Board approved a rule in 1974 restricting the textbook teaching of evolution at the request of the Gablers. He said the Gablers' "scientifically ignorant" 1973 letter to the Board, which complained that biology textbooks taught evolution as a fact, not a theory, and omitted reference to creation, "has had by far the greatest negative impact on science education in the entire country during the past nine years."

"The post-Sputnik increase in quality of the biology textbooks was halted and reversed in 1974" as a result of the Board rule, Schafersman charged. "The education results have been uniformly regrettable. Textbooks today include equivocations and misrepresentations about evolution, have reduced coverage of evolution and other biological phenomena, and even include statements in favor of creationists. The result has been that high school graduates have received a second-rate biology education in most schools in the country."

The Gablers and other textbook critics are free to address the State Textbook Committee and the Board of Education in criticism of potential textbooks, but outside of the books' publishers, citizens are not free to speak in defense of criticized material. As reported previously, People For the American Way has been campaigning to change this rule, and, in August, Dallas

librarian Pamela Bonnell filed suit to have the entire process declared unconstitutional (see *Newsletter* November 1982, p. 198). On November 15, state Sen. Ray Farabee (D-Wichita Falls) pre-filed a bill in the Texas legislature to change the adoption rules.

Farabee's proposal, formulated independently of the People For the American Way campaign and Ms. Bonnell's suit, would permit any Texas citizen to protest or support a book proposed for adoption. The bill would permit any person, including publishers, to answer objections detailed in protesters' "bills of particulars," and any interested citizen could obtain a copy of each bill of particulars filed against a proposed book. "I have faith," Farabee said, "that when all points of view are fairly presented, the best decisions will be made." Reported in: *Dallas Times-Herald*, October 23, 27, November 12; *Fort Worth Star-Telegram*, October 24, 27; *Austin American-Statesman*, October 30, November 12, 13; *Dallas News*, November 16; *USA Today*, October 26.

librarians battle Cook County child pornography law

One day before it was scheduled to go into effect, an ordinance intended to restrict child pornography in Cook County, Illinois, which includes the city of Chicago, was temporarily suspended by the county board after Illinois librarians charged it could force some 1,600 library branches in the county to close. The ordinance, adopted by the board on September 20, is modeled after the New York child pornography legislation ruled constitutional by the U.S. Supreme Court in July. It imposes a fine of up to \$500, imprisonment for up to six months, or both for any person convicted of distributing or producing "any play, motion picture, photograph, or other visual representation depicting sexual conduct of or involving a child or children." It had been scheduled to go into effect October 19, but enforcement was delayed by the board until December 20.

Deborah Miller of the Illinois Library Association said the law was so broadly worded that it could make it illegal for a library to have certain anthropology books, health books, medical texts, art reproductions, and magazines like *National Geographic*, because they include illustrations of nude children. "This puts a librarian who runs a book through a machine in the same category as an adult bookstore peddler," she said. "Any sheriff's deputy can come into a library and virtually shut it down.

We're absolutely positive that the ordinance as it is written now is unconstitutional and we'll go to court."

At first, County Board President George Dunne offered verbal assurances that the law was not intended to be used against libraries, and that "he won't put librarians in jail." But this did not satisfy Miller and other Cook County librarians. Dunne then agreed to appoint a special committee to consider amending the statute to exempt libraries and to delay enforcement. The Illinois Secretary of State's office, the ACLU, and the Chicago Board of Education have all expressed support for such an amendment.

But Commissioner Hal Tyrrell, who is chairing the committee reviewing the ordinance, said, "It would be rather foolish to write an ordinance to say the bookstores can't do it, but the libraries can. If the average citizen realized what the library puts out, you would have marches and everything else on stopping this stuff." And earlier, William Juneau, a spokesperson for Dunne, said, "The ordinance is a tool to rid shelves of children depicted in sexual conduct. If someone seizes a book in a library, it is up to the courts to decide if it falls under the child pornography ban. We're not worried about First Amendment rights. We will uphold the law." Reported in: *Chicago Sun-Times*, October 18, 19; *New York Times*, November 26.

Wisconsin joins the list!

Add Wisconsin to the honor roll of states which have enacted statutes protecting the confidentiality of library circulation records. A new state statute passed by the legislature went into effect May 7, 1982. The statute reads:

"Records of any library which is in whole or in part supported by public funds, including the records of a public library system, indicating which of its documents or other materials have been loaned to or used by an identifiable individual may not be disclosed except to persons acting within the scope of their duties in the administration of the library or library system or persons authorized by the individual to inspect such records, or by order of a court of law."

Wisconsin thus became the eleventh state to pass such legislation. Similar legislation was previously enacted in California, Connecticut, Florida, Iowa, Maryland, Minnesota, Nevada, New York, Oregon and Virginia.

in review

Banned Films: Movies, Censors and the First Amendment. By Edward de Grazia and Robert K. Newman. R. R. Bowker Company, 1982. 455 p. \$24.95 hardcover, \$14.95 paperback.

In 1974, Edward de Grazia, a law professor at Yeshiva University, edited a comprehensive collection of *Censorship Landmarks* (Bowker), cases in Anglo-American jurisprudence from *King v. Sidley*, in 1663, to *U.S. v. "I Am Curious—Yellow,"* in 1968. Now, along with a civil-liberties biographer and historian, he has prepared a volume which includes both a general history of American movie censorship and a selected list of 122 films involved in censorship litigation from 1908 to 1981. This latter portion is much more than a mere list, since it includes details on where and how each film was banned, its story's source and other filmographic minutiae, a brief summary of each scenario, and the case's legal significance.

What may be of most current interest to believers in intellectual freedom is the authors' pessimistic conclusion, in their epilogue, that "today . . . the stark reality of the constitutional limitation is that because the Court is so deeply divided, there is no rule of law protecting the freedom to watch or the freedom to read."

How did this come about? De Grazia and Newman devote nearly half of their book to a fascinating recital of the major developments in the area of movie censorship, from the 1915 Supreme Court *Mutual Film Corporation v. Industrial Commission of Ohio* decision to a Northern District of Georgia decision on the film *Caligula*, in 1981. Court rulings through the years have been so ambiguous, inconsistent, and confusing that the authors admit that we have finally reached a stage where constitutional lawyers cannot give ". . . any certain answers . . . to the constitutional questions in just about any film case involving possible obscenity."

Very early on in the checkered history of the American flick, the *Mutual* verdict guaranteed that for a great many years there would be absolutely no First Amendment protection for movies. Justice McKenna—without even a dissent from Justice Holmes—ruled in his decision that movies were "shows and spectacles," and therefore not like the public press. Eventually, in 1952, there came *Burstyn v. Wilson* (usually known as *The Miracle* case), as a result of which films received broad First Amendment protection, except in cases of outright obscenity.

Some years later (because of the *Redrup v. New York* decision, which put the Supreme Court on record

as being the "court of last resort" in final determination of just what was obscene) there began the famous—or infamous—weekly sessions of the Court to rule on reputedly obscene books and films after reading or viewing them. This process came to be known as "Redruping," and was even satirized in a popular Broadway play, later made into a movie with Walter Matthau, *First Monday in October*.

This weird interlude in American censorship history ended when obscenity-determination was decentralized, following the *Miller v. California* decision of 1973. Therein emerged so-called "concrete guidelines," intended to define clearly "hard core" pornography.

All this—and much more—including a quite extended discussion of the film industry's repeated attempts at independent self-regulation, via various codes and rating schemes—is told in clear fashion in this useful volume. The authors admit that "the future will surely bring new kinds of problems"—what with cable TV, videocassettes and videodiscs, satellites, and as yet undreamed of variations on new technology.

The book is thoroughgoing, knowledgeable, and highly readable. Its account of an important phase of the continuing battles for intellectual freedom supplants—even supersedes—Richard S. Randall's fine—but dated—rather similar volume, *Censorship of the Movies* (University of Wisconsin Press, 1968). De Grazia and Newman do an especially good job of presenting the social and political milieu in which film censorship occurred from period to period.

Incidentally, Bowker might well consider omitting from future printings or editions the absolutely non-illustrative photographs which take up 16 pages between numbered pages 200 and 201. They add nothing but production costs to the book; their omission might cut the price somewhat, and help sales.—Reviewed by Eli Oboler, retired University Librarian, Idaho State University, Pocatello, Idaho.

Alternative Papers: Selections from the Alternative Press, 1979-1980. Edited by Elliott Shore, Patricia J. Case, and Laura Daly. Philadelphia: Temple University Press, 1982. 521 p. Directory, index, illustrations. \$34.95 hardcover, \$14.95 paperback.

Intellectual freedom must exist for everyone and for all ideas and positions, unless, perhaps, they are demonstrably harmful to the public good or are illegal, whatever those things may be. The average number of subscriptions to any given alternative publication is well under 1,000; and to all of them put together, probably less than the average daily readership of the *New York Daily News*. As a result, it may very well be that many readers of the *Newsletter on Intellectual*

Freedom are unfamiliar with alternative press publications and may well never have read one. Here is a chance to become acquainted with a representative sample of these papers and their content. Those who are serious advocates of intellectual freedom will find numerous marvelous examples in this collection; those whose advocacy is superficial or insincere should investigate this book to discover just what they may be asked to defend.

The cover carries a sub-title not found on the title page: "Stories, Events, and Issues that the Mass Media Ignored, Distorted, Buried, or Missed Altogether, Selected from Alternative Magazines, Newspapers, Journals, and Sporadicals." That should introduce a new word, set your teeth on edge a bit, and invite you to open the cover.

The book has eleven sections, such as: The Press, Nukes, Third World, Corporate Connection, Repression, Women, and Lesbians and Gay Men. The articles are from 1979 and 1980, but many are retrospective in that they dip back into the 1950s and even further for trends such as the ecology movement and slavery. The topics are even more numerous than the 200 articles selected, but they cover, as examples, waste disposal, the Chrysler loan, public television, apartheid, pesticides, police power, prisons, and nuclear bombs. The wide range of opinions includes those from anarchists, libertarians, democratic socialists, those on the pacifist left, and supporters of the anti-nuclear, anti-corporate, and rank and file labor movements. The many illustrations, largely from the Liberation News Service, add humor, sometimes grim, and some relief from the relentless parade of surprising statements made in the articles. Some of these are defended with references and citations, but not nearly enough to make some of the positions acceptable to those who like to see some evidence.

The "mass media" which are widely available have a bias, and that can be limiting on freedom of thought and expression. This is also true of the alternative press which collectively has a bias which generally is to the right or left of the central compromise offered in the public media as a whole. In neither case is a "right" or "correct" position consistently available or even claimed. Just because the alternative press expresses a different view does not mean a greater degree of purity; it only means that a different aspect is offered, which, when considered with the other limited views, may help prevent looking at problems through a vision clouded by incomplete information.

The introduction makes several sweeping assertions, such as the correlation between economic control and the limitation of information availability. And these pages use, in several instances, the same rhetorical language many alternative publications complain about

in more widely available media. While it may be true that many smaller publishers and publications are being absorbed into large corporations, it does not necessarily follow from this that information limitation and mind control are sure to follow. The editor refers to the "corporate media" as if it can be assumed that something sinister is automatically associated with corporate bodies. This is simply not the case, just as it is the case that this collection offers a wealth of material which does not find its way into national and community newspapers. It is also true that most alternative papers do not provide the scope of material available in even the smaller local newspapers.

The format of the book is unlike most of the papers represented. It is nearly 8½ x 11 inches, and 1-1/4 inch thick. The book is printed on a fairly heavy paper which is relatively opaque, and most of the text is in three columns. The book is uncomfortable to hold, at least for chair-reading, especially since the content encourages flipping forth and back among the essays. The paperback is "perfect" bound with the expected result: pages in the front detached almost immediately. The paper version has too skimpy a gutter for re-binding, so, despite the price difference, libraries should select the cloth binding.

The index, compiled by Sanford Berman, is an important key to finding much of this collection's valuable material. Authors, editors, and others are noted, as are titles and the names of the papers from which the articles are quoted. Subject approaches are a necessary supplement to the book's general organization.

The index also leads to the 100-title Directory of alternative publications. Each entry includes an address and an annotation, even for titles no longer available. Of the 100, 52 are covered by the *Alternative Press Index*, 57 are listed among the 1,900 or so titles in *Alternatives in Print*, 6th ed., and 46 of the titles are covered in one section or another of *Katz Magazines for Libraries*, 4th ed. The point here is that this Directory is a valuable one, about half the titles not being covered by the other three basic sources for alternative press publications.

The number and variety of concerns touched on in this collection is overpowering. Nearly every important social concern for people and the environment from abortion to zealotry is brought to the reader's mind in one of several ways: the articles, the illustrations and cartoons, the book's arrangement, and the index. Many of these viewpoints, lifestyles, political questions, and arguments simply cannot be found in more widely

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ensorship dateline



libraries

Anniston, Alabama

Authors as diverse as John Steinbeck and Doris Day have become targets of the censor in the Anniston area. In early October, a group of about fifty ministers and church members, organized to "represent the moral majority," began to petition for the removal of "ungodly" and "obscene" books from Calhoun County school libraries. Among the titles targeted by the group are Steinbeck's *East of Eden*, *No Place to Run*, by Barbara Beasley Murphy, *A Clockwork Orange*, by Anthony Burgess, and *Doris Day: Her Own Story*, Ms. Day's autobiography.

"We want the books in our library to be more closely censored," said the Rev. Aaron Howell, pastor of the North Weaver Baptist Church near Anniston and an organizer of the drive. "You would not believe some of the obscene literature made available to our children." Howell said the group is also proposing the formation of a church-appointed committee to officially review books on school library shelves and new acquisitions.

But at least one school official has already taken matters in his own hands. Even as Howell's group was beginning to organize, Principal Grover Whaley of Alexandria High School near Anniston ordered the removal of all books by John Steinbeck from that school's library. According to Whaley, some of the language in the novel *Of Mice and Men* is vulgar and "takes the Lord's name in vain." "I talked with one parent who didn't approve [of the book]," he said. "We took it off the shelf and put it in the storage room." Other Steinbeck books, including *East of Eden*,

Grapes of Wrath, and *Cannery Row*, were removed pending review by faculty members. Whaley said that in the fourteen years he has served as principal, books have been removed from the school library "three or four times" after parents complained.

The complaint lodged against Doris Day's autobiography by Rev. Howell's group came after the Rev. Winston Tibbetts found his 13-year-old daughter reading it, but here, too, a principal of another school had jumped the gun on the protesting ministers. Principal Wayne Wigley of Pleasant Valley High School reported that he had removed the Day autobiography from the school's library last year following a parent's complaint. Reported in: *Tuscaloosa News*, October 9.

Visalia, California

The controversial sex education book *Show Me!* was one of the least popular books in the Tulare County Library until two Visalia groups began to campaign for its removal as obscene. According to County Librarian Oloanne Palen, in three years the library's two copies had been checked out only by members of the protesting groups, and because there had been such little demand, she had planned to sell the books for just 25 cents. But those plans changed after the Pro-Family Forum and Educate People and Protect Innocent Children began campaigning against the book.

On October 12, that campaign went to the Tulare County Board of Supervisors, where the protesting groups, represented by three local ministers, called on the Board to set a standard for the community and, if necessary, challenge the courts by removing the book. The board, however, informed by County Counsel Thomas Bowman that the book had been ruled not obscene in four other states and that it could not be legally removed, instead ordered library staff members to develop guidelines on what books will be available in the future to submit to the Board for approval.

Show Me! is generally available at the library to adult readers, but is kept in a special area of the library where children would not encounter it accidentally. Children may check out the book only with the permission of their parents. In September, the book's publisher announced that it was withdrawing *Show Me!* from circulation as a result of the U.S. Supreme Court's July 2 decision upholding a New York state law banning the use of children in sexually explicit material, whether or not the material itself is legally obscene (see *Newsletter*, November 1982, p. 197). Reported in: *Fresno Bee*, October 1, 13.

Idaho Springs, Colorado

Three fundamentalist Christians are trying to ban a book describing the occult from the public elementary

school library in Idaho Springs, a mining town west of Denver, because they say it exposes children to Satan. John and Nora Christensen, whose 6-year-old son brought *Mysterious Powers and Strange Forces* home from the school library, and Rick Adams, a deacon of the First Baptist Church of Idaho Springs, filed a formal request for reconsideration in October. According to John Christensen, learning about the occult "is like playing with fire. Some people might not know how it burns until Judgment Day."

Following established guidelines for handling such requests, School Superintendent Floyd Travis appointed a committee composed of a parent, a teacher, the school librarian, and the principal to review the book. The committee recommended that the book "remain available to students of all ages." In its report, the committee recognized "vast differences in the beliefs and traditions of various groups within the community, and in regard to this book [felt] that one group of people [did] not have the right to deny others access to this material." The Christensons have stated that they will appeal the committee decision to the Board of Education.

Mysterious Powers and Strange Forces is one of a series of three books. The other two deal with vampires and haunted houses. All three books are very popular with students, according to librarian Laura Casperson. The three opponents have called for the removal of all books on the occult unless they carry a warning notice. They say occult literature is more dangerous than drugs or pornography for children, because it is so subtle. Reported in: *Denver Post*, November 21.

Niles, Michigan

A U.S. congressman and a local minister have been rebuffed in an effort to have four books about homosexuality removed from the Niles Community Library, but pressures on the library from the Life Action Ministry continue. Head librarian Anne Frese said the library board voted unanimously after a public hearing on October 21 not to remove any books, despite the suggestions of Rep. Mark Siljander (R-Michigan) and the Rev. David McQuade of Life Action Ministries. Rev. McQuade was paid promotion organizer for Siljander's reelection.

The controversy began October 6 when Siljander wrote the library on congressional letterhead to complain about *The Homosexual* by Alan Ebert, *The Gay Report* by Harla Jay and Allen Young, *View From Another Closet* by Janet Bode, and *The Lord is My Shepherd and He Knows I'm Gay* by Troy Perry. "I find it difficult to believe that tax dollars would be used for this type of material in a public library," the congressman wrote. "Books such as these would better be found in an adult bookstore in which only

adults would be allowed to preview and take home. I sincerely hope you will carefully evaluate the community benefit of harboring such reading material in a public library."

Siljander did not attend the public hearing, but his cause was espoused there by McQuade, who called the books "dangerous to youth" and read several excerpts which he labelled X-rated, although he admitted the books in their entirety were not pornographic. McQuade said the four books were on a list of allegedly obscene material compiled by "the Christian community in general." He said he obtained the list from "a fellow in Three Rivers," where Siljander resides.

Of fifteen people in the audience at the meeting, none rose to support the minister, but eight people spoke in opposition to his request. After hearing their remarks, McQuade responded that the speakers "don't know what is going on here." "We do know what is going on," answered Brandywine School Board president Cathy Bair. "Censorship. To censor is to close minds." Library board chairman Judge William White promised a written opinion on the books, but declared that the library "cannot act as the arbiters of morality. I believe book burning went out with Adolf Hitler."

Life Action Ministry was not satisfied, however. On November 18, approximately 120 supporters of the group attended a library board meeting to present new proposals calling for the rating of all materials in the library. According to the proposal, all books would be assigned either a G—for general,—or an R—for restricted—rating, the ratings being assigned by a five member advisory group, composed of community citizens and a librarian. R books could not be reviewed or taken out by anyone under 18, and the only way someone under 18 could take out an R book would be with a note from the individual's parent. In addition, prior to actually checking out the book to a borrower under the age of 18, under the proposal the librarian would be required to telephone the parent to reaffirm that the "child" did have such permission. The board rejected the proposal, but the protesters vowed to continue the battle.

Following the November election, Rep. Siljander, who was victorious over his Democratic opponent, removed two local newspapers from his news release distribution network, apparently in response to heavy criticism by the media of his role in the book banning effort. Reported in: *Niles Daily Star*, October 22; *South Bend Tribune*, October 22, November 5; *Detroit Free Press*, October 23.

Greenville, South Carolina

A complaint filed against *What Happened to Mr. Forster?* by Gary W. Bargar, and other unspecified examples of "vulgar and profane gutter material" in the children's section of the Greenville County Library has been referred to the Public Safety Committee of the Greenville City Council. The controversy began in September when parent and missionary Elwood Hurst discovered his 11-year-old daughter reading the Bargar book, in which a principal character is a homosexual. A novel for young readers set in a small Missouri town in 1958, *What Happened to Mr. Forster?* is about a sixth grade boy who begins to mature under the influence of his teacher, who is then fired for homosexuality, much to the boy's confusion and dismay.

According to Hurst, "The author is not only of the persuasion of an immoral homosexual life, but is attempting to get young minds conditioned to accept this base way of life as just different." In a subsequent check, Hurst said he found at least two other titles in the library's children's room to which he objected, and he took his complaint to the City Council, where he found sympathy, if not full support.

Marshall Cason, the council's liaison to the library board, said the book should be taken off the shelves. "If it's something offensive to people, I don't think the board would want it in there," he said. "I just don't believe in homosexuality, I don't believe it should be on the shelves. I think it's a sin and I don't think it ought to be practiced."

Other council members were reluctant to commit themselves to a specific position on Bargar's book, but nearly all favored controls on children's reading. "There have to be different criteria with children's books than with adult books," said Council member Gene Cunningham. "We really have to be careful with kids because they're so impressionable." Council member Mike Fair said, "I get kind of squeamish when we talk about censorship, but I don't have any inhibitions about censorship as far as children's literature."

"I don't believe in book-burning," added Council member Bob Leach, but "there are certain standards that we've grown up with. We all know that though homosexuality exists, it goes against the basic foundation of America, it goes against the Bible."

Despite these statements, it was unclear whether the Council would take any action. Public Safety Committee Chair Johnnie Smith said that the library staff would be asked to explain the selection process to the committee and to describe how it is responding to Hurst's complaint. "We don't have the qualifications to determine what should or should not be in the library," he cautioned. "While I have my beliefs,

I don't necessarily want to impose my beliefs on someone else." Reported in: *Greenville Piedmont*, September 21.

schools

Jefferson County, Colorado

On November 17, the Colorado Chapter of the American Society of Atheists presented Jefferson County school officials with a list of nine books the group says contain examples of "blatant Christianity," and asked that those books be removed from school classrooms. "We're responding to an ongoing campaign across the country by fundamentalists trying to insinuate Christianity into public schools," explained Bill Talley, director of the group and a county resident. "We are finding religionism all over the place, not only in history books, but in some of these human values books."

Talley said the atheists chose Jefferson County as the site of their protest in part to respond to recent charges by a county fundamentalist group that four books in the district's professional library promote the doctrine of secular humanism and should be banned from the schools. One of those books is a textbook, while the other three are for teacher use only.

Among the books on the atheists' list are: *Personal Adjustment: Marriage and Family Living*; *Social Studies*, an elementary text; and *Biology, an Inquiry into the Nature of Life*, a book used at the junior high school level. According to Talley, his group's principal goal is merely to get people to think about the diverse views contained in texts. He stressed, however, that the atheists also intend to go through the district's review process with the intention of getting the books removed from classrooms. Reported in: *Denver Post*, November 18.

Pembroke, Massachusetts

A suburban Boston couple told the Pembroke School Committee November 11 that a fifth grade vocabulary workbook is unfit for classroom use and called for the appointment of a special panel to review the work. Richard and Charlene Westcott charged that the book contains nothing but Biblical tales of "a hellfire and brimstone God" and is "totally inappropriate" for public school use because it does not balance the Old Testament tales with any other perspective. "It is strictly Old Testament: it projects the image of God as a hellfire and brimstone God and women as subservient . . . with no other mitigative stories thrown in," Richard Westcott said. The School Committee agreed to consider appointment of a review panel at a future meeting. Reported in: *Boston Globe*, November 14.

Hamilton, Ohio

When, in 1974, Alice Moore took on the Kanawha County, West Virginia, school board over the issue of textbook content there were violent protests, school boycotts, bombings, and a victory for Moore and those who agreed with her. Two years ago, Alice Moore moved to Hamilton Township, Ohio, near Columbus, and now she is rallying parents in Hamilton against what she thinks is objectionable material in high school health classes.

On October 28, at a meeting at the Hamilton Township Community Center, Moore kicked off a petition drive against some sex education materials, especially those provided the Hamilton schools by Planned Parenthood of Central Ohio. "Planned Parenthood is a radical organization that promotes homosexuality, promiscuity and the most vile kinds of behavior," she charged. "We object to moral issues being taught from a humanistic angle." Mrs. Moore objected specifically to a film on venereal disease shown in her 15-year-old daughter's health class. Mrs. Moore said the film contained male nudity.

Another film, *About Sex*, was screened by Mrs. Moore at the Community Center. While she acknowledged that it had not been shown in the schools, she claimed its "manner of presentation" was the same as Planned Parenthood presentations in use in Hamilton school classes. Moore also objected to the teaching of death, divorce, separation and other family problems to elementary school children. Reported in: *Columbus Dispatch*, October 29.

student press

Long Beach, California

Among fraternity members, Victor Cook's daily comic strip, "College Daze," was one of the most popular features in the *Daily Forty-niner*, one of two student newspapers at California State University at Long Beach. But on October 21, commercial art major Cook was fired from his job as cartoonist by Managing Editor Cassandra Joseph, who charged that the comic strip was sexist, offensive and not particularly funny. "I'm not a feminist by any means," she said. "But he kept depicting women with big bosoms and the women came across as just objects. Usually he dealt with just the fraternities."

Ms. Joseph said that she and several other editors made the final decision to cancel the strip after Cook submitted a cartoon that portrayed a tough-talking (though hardly buxom) female editor who tossed a desk at a reporter after he questioned her judgment. Below the strip the artist had penned a note that the cartoon was "dedicated to Cassandra."

Members of university fraternities were incensed by the decision and between 30 and 50 of them held an impromptu protest at the newspaper office. The fraternity members charge that the newspaper is biased against the Greek system. "The cartoon was the first positive thing that has come out about the fraternities in the newspaper," said one protester. "I think the editors were the only ones who were offended. It seems to me that some of these issues are a matter of creative freedom." Reported in: *Long Beach Press-Telegram*, October 23.

Minneapolis, Minnesota

Editors of *The Minnesota Daily*, student newspaper at the Minneapolis-St. Paul campus of the University of Minnesota, charged the university's president and the Minnesota Board of Regents with attempted censorship in testimony before Federal District Judge Robert G. Renner in October. The newspaper sued the university after the regents, acting upon the recommendation of President C. Peter Magrath, reduced the paper's financing in response to a June 1979 parody issue which was denounced by many as racist, obscene, and anti-Catholic. The case pits what the newspaper calls its First Amendment right to print material without fear of government harassment, against what the paper's critics call the right of students not to contribute funds to a publication to which they object.

The editors freely acknowledge that the parody issue was not a subtle one, and after criticism from readers, religious groups, and public officials, including Governor Albert H. Quie, they published a formal apology. The issue's banner headline read, "Christ Speaks!" This was a reference to an "exclusive interview" with Jesus, described in the issue as "probably the best known Jew in history next to Bob Dylan" and "a minor cult hero in lesser developed areas of the free world, and among lesser developed college students."

The apology, however, was deemed inadequate by the regents, who, ignoring a warning by the university's attorney that there might be First Amendment implications, voted in May 1980 by an 8-3 margin to offer refunds of part of a mandatory student services fee that supported the paper, distributed free to 40,000-students. The board acted after a student-faculty governing body voted 99-7 in favor of retaining mandatory financing.

To support the charge of governmental intimidation, the editors cited in a brief filed by their attorney, an April 1980 letter from Magrath to the regents in which he said that reduced funding would "put a certain degree of overt pressure on *The Daily* to be as responsive and responsible as possible."

"It's important that the public and the regents

understand that the university is an agent of the state, and the state can't tell newspapers what they can or can't print," said Jeffrey A. Goldberg, who was editor in chief of the paper from 1980 to 1981 and is now a reporter with the *Louisville Times*. But the university denied any intention of censorship. "We are not in any way attacking the content of *The Daily* or its right to publish what it wants," argued the regents' lawyer. "But we have an obligation to respond to the concerns of everybody at the university, including students who do not wish to contribute to the paper." Reported in: *New York Times*, October 10.

Bozeman, Montana

The newspaper staff at Bozeman Senior High School has accused Principal Lou Gappmayer of censorship for banning ads in the newspaper from a local family planning clinic. An ad purchased by the Bozeman clinic of Family Planning of South Central Montana appeared in the October 1 issue of *Hawk Tawk* and several more ads were scheduled. But on October 20, Gappmayer sent the newspaper staff a letter banning all ads which advocate that a student break a law or a school rule, use profanity, offer alcohol, tobacco or illegal drugs, feature movies rated R or X, publicize adult bookstores, advocate a specific religion, and promote family planning.

The staff strongly objected to the final item on the list, and two lengthy articles linked to the prohibition appeared in the November 11 issue. "The fact is that censorship happens to the *Hawk Tawk*," wrote co-editor Mary Schuman. In her article, Schuman said that before the ad was published the staff considered it against editorial guidelines established by the school board in 1973 and could find no conflict. "We think it was totally morals," she wrote. "It was against his, so therefore it was against everybody else's."

Gappmayer, however, denies the censorship charge. "We have a policy in school regarding ads and we wanted to reassure them on what ads would not be acceptable," he said. "It has nothing to do with censorship or the First Amendment. Freedom of the press has nothing to do with a paid newspaper ad." Reported in: *Bozeman Chronicle*, November 14; *Montana Standard*, November 16.

Albuquerque, New Mexico

Minority students and their supporters at the University of New Mexico ended three days of protests October 16 after the editor of the student newspaper was suspended for permitting publication of an editorial widely criticized as racist. In a session held in a large hall to accommodate some 350 angry students, the university's student publications board placed Marcy McKinley, editor of the *New Mexico Daily Lobo*, on

suspension with pay. The protestors had asked for her dismissal. The author of the editorial, which argued that minority students are academically inferior, later wrote an apology in the newspaper and resigned. Reported in: *New York Times*, October 17.

Fairfax, Virginia

After the student editors had second thoughts, the October issue of Jefferson High School's *The Towne Crier* spent a week in the principal's office until a worrisome line could be inked over in all two hundred copies. The issue, written and produced by students, featured a front-page news article about the school's decision to extinguish the smoking privileges extended students in the late '60s and early '70s. Two editorials, one in favor of the no-smoking rule and one opposed to it, accompanied the article. It was the latter piece, written by senior Joe Liu, which caused the problem. In it, Liu wrote that the measure had been the result of pressure exerted by the county Board of Supervisors "and loudmouths such as Audrey Moore."

When the papers returned from the printer, the paper's sponsor, English teacher Kevin Foley, noticed the "loudmouth" reference and deemed it in "poor taste." The editors agreed, and the matter was brought to the attention of the principal, Richard L. Murphy, who impounded the issue until the offending words could be obliterated on all copies. The resulting delay rendered much of the information in the paper irrelevant, and disturbed both the editors and their sponsor. Foley said he had brought the editorial to Murphy's attention because "I wanted him to know what was happening. I didn't take it to him to get his approval." Foley fears that because of the incident some students might get a negative view of journalistic freedom. Reported in: *Fairfax Journal*, October 20.

Seattle, Washington

On November 9, a special Veterans Day issue of the North Seattle Community College weekly newspaper, *Polaris*, hit the campus. Within hours, the paper's editor had been removed from his post. The centerfold of the paper contained several articles dealing with Vietnam vets and two large cartoons. The cartoons, and the overall headline—"Commemorating the Horrors of War and Those Who Waged It"—were the source of the problem. One cartoon pictured rows of tombstones in a forbidding graveyard. The other showed the Grim Reaper standing amid a host of corpses of soldiers strewn on a desolate battlefield.

Even more objectionable to some was a set of ads that appeared in the issue. The first was a routine Selective Service System announcement of the requirement that 18-year-olds register for the draft. The headline read "One of the easiest parts of becoming

18." Side by side was another ad, designed by the staff of the *Polaris*, "for balance, vis-a-vis the ad at the left, as required by responsible journalism." Headlined "One of the hardest parts of becoming 18," it displayed a recent book by Noam Chomsky on the role of the U.S. in Indochina and elsewhere, and called on those who are about to become "army-bait" to learn "whether or not the real power in this country is in the hands of a greedy and corrupt bunch of real jerks."

Besides this, Cosgrove also wrote two editorials. One responded to an editorial in the *Seattle Times* praising the leader of Indonesia, and the other lambasted college administration efforts to censor the *Polaris*.

A week earlier, Cosgrove had received a warning reminding him that all copy for the paper must be submitted for advance approval to the paper's adviser, Mary Jane Merry.

When the controversial issue appeared, Merry met hastily with the school's Board of Publications, which cited and then fired Cosgrove for four violations: use of his power for selfish or otherwise unworthy purposes, promotion of private interests contrary to the general welfare, violation of the rule that headlines should be fully warranted by the contents of the articles they surmount, and misstatements of fact. The final point referred to a change Cosgrove made in the paper's masthead following his editorial challenging Merry's censorship. Formerly identified as "Adviser," Ms. Merry now became "Adviser/Censor," a factual error according to the Board.

In a subsequent issue of the paper, the Board of Publications presented its rationale for removing Cosgrove under the headline "Too Much Political Advocacy." Reported in: *Revolutionary Worker*, December 3.

colleges and universities

Allendale, Michigan

Grand Valley State College President Arend Lubbers said October 7 that he will forbid the school-sponsored showing of any X-rated film. The statement was made in response to a request by the student senate to show the film *Inserts*, starring Richard Dreyfuss, as part of a series of film showings. The movie, which had limited distribution and mixed reviews, is about a producer of pornographic films. The senate's \$40,000 budget, from which film rental fees are paid, comes from the college. Because of this, the college has retained the right to approve all film showings. According to Lubbers, if unapproved films are ever shown on campus, rental fees should be paid by viewers, not the college.

Senate President Timothy Swope, a senior political

science major, says the movie flap is actually "just a small part of a larger issue." Swope contends administrators have consistently infringed upon students' rights, especially regarding leisure time activities. In a senate-produced bulletin dated September 30, Swope charged that Grand Valley administrators are "intimidated" into basing school-related decisions on their idea of how the school is perceived in the surrounding communities, generally thought to be quite conservative. Reported in: *Grand Rapids Press*, October 9.

Cincinnati, Ohio

"UC has an argument on its hands. We will have a forum on the UC campus." So spoke Van D. Loman, Cincinnati representative of the Ku Klux Klan, after University of Cincinnati officials denied the Klan access to university facilities for a campus forum. The Klan requested the forum in September, but the request was denied because the KKK allegedly failed to satisfy the university's published standards for use of campus facilities by off-campus groups. According to a university statement, a group either must not be in conflict with the basic goals of the University of Cincinnati, or must provide some specific benefit to the campus community. The Klan has called on the ACLU for assistance.

Reaction of university students to the ban was largely favorable. On October 27, the Student Senate voted 18-0 with four abstentions to support "all efforts by the University to deny University facilities to the Ku Klux Klan." The Senate endorsed the measure "because of the possible ramifications that violent confrontations would pose, and the damage that could occur to University facilities." Student body President Janine Dascenzo said the main issue was possible infringement of First Amendment rights. But, she said, "we are not a court of law, and we don't have to deal with [the First Amendment]." Others, however, were less sanguine. "When we decide we don't want someone to speak because of their ideology, that's bad," said Senator Thad Rullman, who abstained on the vote. Reported in: *The News Record* (University of Cincinnati), October 15, 29.

plays

St. Louis, Missouri

Gateway Hotel executives announced November 17 that the locally-produced play, *Sister Mary Ignatius*

Explains It All for You, will not be staged at their hostelry January 14 to February 6. The expected St. Louis premiere of the play, which had been staged off-Broadway and in Chicago, was opposed by the St. Louis chapter of the Catholic League for Religious and Civil Rights, which had urged the hotel owners to cancel the performances there, and was denounced by St. Louis Archbishop John L. May as a "vile diatribe against all things Catholic."

According to the hotel management, the cancellation stemmed from "many factors," mostly technical. Hotel executives claimed that a contract between Theatre Project Co., the play's producers, and the hotel had never been agreed upon or signed. Theatre Project officials said, however, that the hotel had agreed in July to host the production and three others. "We checked ten days ago and it was guaranteed for us. Then yesterday it comes crashing down," said artistic director Fontaine Syer. Ms. Syer said she believes the hotel took the action because of "reluctance to get involved in the Catholic controversy." Performances of the play are still scheduled for February 10-13 at the University of Missouri-St. Louis. Reported in: *St. Louis Globe-Democrat*, November 18, 19.

rock records

Saluda, South Carolina

When asked to comment on the rash of rock record destructions which has swept the nation in recent years, Chris Connelly, assistant editor of *Rolling Stone*, a major magazine of the music and entertainment industry, said, "actually, I don't care how many records they burn as long as they buy them first. The record industry needs the business."

Perhaps Connelly should nominate the Rev. Billy Adams for a gold record. Himself a rock singer until his conversion to the ministry in 1965, Adams is one of several evangelists touring the country and urging young people to abandon the "Satanic" sound. In late September, Adams brought his message to the First Pentecostal Holiness Church in Saluda, where teenage parishioners gathered to swing sledgehammers at records by Frankie Valli, Lou Rawls, Elton John, and Kitty Wells, among others.

"We try to make it as plain as possible," Adams explained. "The basic things we are against in modern-day music are they promote drugs and sex and the occult. They are anti-God and anti-establishment. We never had a rebellion, we never had a generation gap until rock music came along." Adams repeated the now common message that many rock songs—"Stairway to Heaven" by Led Zeppelin is most frequently men-

tioned—contain hidden satanic messages, often revealed only when the record is played backwards. Moreover, "rock has that heavy, throbbing, pulsating beat, the same used in demonic rites, the same used for voodoo in primitive cultures," he argued. "The beat beats upon the pituitary gland, sending it too many chemicals. And the result is a total wipeout of inhibition." Country music, too, encourages immoral behavior, Adams contends. In fact, just about the only music Adams can endorse is religious music, although he does admit that some easy listening sounds may be acceptable. "I don't think they've tampered with that yet," he said. Reported in: *Charlotte Observer*, September 25.

South Burlington, Vermont

For two hours, the Rev. Wayne Clark regaled members of the Community Bible Church with calls to wage "spiritual warfare" against rock music, which he said was the same as sex, drugs and "satanism." Finally, cheering and weeping, the parishioners paraded outside the church where record albums, tapes and some books were put to the flame. Among the items destroyed October 4 were records by the late Elvis Presley and soul singer James Brown, as well as a copy of Ernest Hemingway's classic novel *The Sun Also Rises*. The connection between Hemingway and rock music was not immediately apparent, but rumors placing the writer's ghost at an Ozzy Osbourne recording session were hotly denied. Reported in: *Philadelphia Inquirer*, October 6.

foreign

Buenos Aires, Argentina

An early November decision by Argentina's military government to permanently close three magazines is part of a growing crackdown on the press, Argentine journalists believe. According to chief of state General Reynaldo Bignone, who had previously promised to respect press freedom, the three magazines—*La Semana*, *Linea*, and *Quorum*—were guilty of publishing articles and photographs that "perturb the harmonious relations on which the present authorities are embarked."

In October, the government banned the reporting of human rights issues by television, and two weeks before the shutdown of the magazines warned all news organizations that it would "not permit, in any way, destabilizing or dividing actions that could bring back subversion." But the crackdown did not immediately silence growing criticism of the government in the country's newspapers. While the press is often

advised by the authorities to practice self-censorship, many papers have been assiduously reporting the uncovering of mass graves said to hold more than 1,000 unidentified bodies of people who disappeared during the military Junta's campaign against left-wing opposition in the 1970s.

The revival of repression also postponed indefinitely release by Argentine censors of the controversial film *Missing*, which deals with the disappearance of a young American during the military coup in Chile. The film's distributor continues to express conviction that it will be approved, though perhaps with excisions. But consideration of the film by the censors has been shelved while an investigation continues of the disappearance and murder of two former diplomats, in which a former member of the ruling junta has been implicated. Commenting on the Argentinian censors, Norbert T. Auerbach, president of United International Pictures, declared that "their censorship is presently the tightest in the world." Reported in: *New York Times*, November 7; *Variety*, October 13.

Toronto, Canada

A September 11 screening of German director Lothar Lambert's *Berlin/Harlem* at the Toronto Film Festival was rescheduled at the last minute after the Ontario Censor Board demanded cuts to which both Lambert and festival director Wayne Clarkson refused to accede. Last year, for the first time, the board had given blanket approval to all films shown at the festival, and a similar agreement was expected this year. The festival offered what is said to be the first retrospective showing outside of Germany of all nine of Lambert's feature productions. The scenes which the censors found objectionable involved oral sex between men. Reported in: *Variety*, September 15.

Santiago, Chile

Celebration of nine years of military rule in Chile was marked by some of the most widespread public protest since the coup of September 11, 1973. Dissent was concentrated in the universities, with major disturbances in Santiago, Valparaiso, and Concepcion. These resulted in the banishment of eight students for periods of three months to remote parts of southern and northern Chile. Such banishment is carried out on the orders of the Interior Ministry, with no formal charges, trial procedure, or right of appeal.

In addition, the Theater Faculty of the Catholic University of Santiago was closed by its Rector, Retired Rear-Admiral Jorge Swett, and students from the faculties of history, journalism and philosophy were expelled. The faculties of law and psychology were also threatened with closure, the latter if students continued

to publish a wall-newspaper which the authorities had removed and burned.

At the same time, the government "suggested" that the program "Hour of Analysis," broadcast by the Catholic Church's station Radio Chilena, should be taken off the air or "suffer the consequences." The move brought widespread protest from journalists. Reported in: *Index on Censorship Briefing Paper*, September 29.

London, England

The British government's chief legal officer was granted an interim injunction by the nation's High Court October 17 to stop publication of a new book about M.I.5, the British intelligence agency. Attorney General Sir Michael Havers declined to give reasons for his action against the book, *A Matter of Trust: M.I.5's Operations, 1945-72* by Nigel West. Author West had previously published a book on British security from 1909 to 1945 which, he said, helped expose the spy network that included Anthony Blunt, a former art adviser to the Queen who became a Soviet spy. The British government has recently been embarrassed by a series of spy scandals and revelations of security lapses. Reported in: *New York Times*, October 18.

Paris, France

"The authors are criminals. This horror must be withdrawn from publication." Marcel Bondy spoke after his 27-year-old son, Patrick, unemployed for nine months, was found dead of an overdose of barbituates. Beside his body lay a copy of the most controversial book in France, *Suicide Mode D'Emploi* (Suicide Operating Instructions), a fixture on the best-seller list for over two months.

The grieving parent joined a growing number of psychiatrists, religious leaders, and politicians who have demanded withdrawal of the book. French Minister of Health Jack Ralite has urged the book be banned. So have the nation's largest medical, pharmaceutical and consumer groups. The Roman Catholic Church has condemned it, as have many suicide prevention centers and an organization of survivors of suicide attempts. Yet, since its publication in April, the book has sold more than 50,000 copies. It is available in most Parisian book stores, though some stores, especially in smaller towns, have refused to stock it. Several newspapers, magazines and radio stations have also refused to carry advertisements for the book.

The book's authors, Claude Guillon and Yves Le Bonniec, have refused all requests for interviews. They

(Continued on page 24)

—from the bench—



U.S. Supreme Court

Over the vigorous dissent of Justice William J. Brennan, Jr., the Supreme Court declined October 18 to review the conviction of two supporters of the Revolutionary Communist Party for burning an American flag. Teresa Kime and Donald Bonwell were sentenced to eight months imprisonment each under a 1968 federal law that makes it a crime to "knowingly cast contempt upon any flag of the United States by publicly mutilating, defacing, defiling, burning or trampling upon it." The case stems from the burning of a flag in Greensboro, North Carolina on March 27, 1980.

In dissent, Justice Brennan argued that the case should have been heard by the court, and that the law in question (18 USC Section 700) is unconstitutional. "Section 700 makes it a crime 'knowingly to cast contempt upon any flag of the United States by publicly . . . burning it.' Thus, it is an indispensable element of the offense . . . that one intend to engage in political expression—and not just any political expression, but only that espousing a particular unpopular point of view," Brennan argued. "This is indeed a narrowly drawn statute; it is drawn so that everything it might possibly prohibit is constitutionally protected expression. This statute is thus different from one that simply outlawed any public burning or mutilation of the flag, regardless of the expressive intent or nonintent of the actor. To put it bluntly, one literally cannot violate Section 700 without espousing unpopular political views. That is the very definition of a censorship statute"

"This censorship goes to the heart of what the First Amendment prohibits," Brennan continued. "I am confident the court after argument would reverse these convictions and uphold the vital constitutional principle forbidding government censorship of unpopular views," he concluded. Reported in: *Washington Post*, October 19; *Revolutionary Worker*, October 22.

flag burning

Atlanta, Georgia

"It is clear that the people of this state and the other states of the union have a unique and compelling interest in protecting the flag as the symbol of our nation . . . this interest extends to regulating conduct which seeks to destroy the symbol by destroying copies of it." Such was the decision of the Georgia Supreme Court in upholding a lower court sentence of one year in prison for two people, an Iranian student and a supporter of the Revolutionary Communist Party, convicted of "deliberately defacing and defiling the flag of the United States by burning it." The decision came less than a week before the U.S. Supreme Court declined to review the flag-burning convictions of two RCP supporters from North Carolina (see above).

The case stemmed from a demonstration in Atlanta on November 29, 1979, during which an American flag was burned in solidarity with the seizure of the U.S. embassy by Iranian students in Tehran. The two charged that they had been seized from the crowd at random and that their real "crime" had been participation in the demonstration. The defendants said they would appeal the ruling to the U.S. Supreme Court, despite the unfavorable result of the North Carolina appeal. Another flag-burning case is scheduled to come before the Georgia Supreme Court in the near future. This is the appeal of six people convicted and sentenced to one year in jail for participation in a May Day demonstration where a flag was burned at an Atlanta housing project in 1981. Reported in: *Revolutionary Worker*, October 29.

ribbon burning

Eugene, Oregon

On October 29, oral arguments were heard by the Oregon State Court of Appeals in the case of two members of the Revolutionary Communist Youth Brigade, John Kaiser and Nancy Whitley. The two had

been convicted of felony arson for burning a yellow ribbon at a University of Oregon speech by former Iran hostage Victor Tomseth in early 1981. The defendants argued that the burning was, in effect, a political statement and presented no danger to those present at the speech. They also challenged the trial judge's ruling that the ribbon was "valuable property," which permitted the charge of felony arson.

Supporters of the defendants also charged that the *Eugene Register-Guard* had refused to print the names and political affiliations of those who signed a statement of support of the defendants which had been submitted as an ad. The newspaper claimed that a "written policy" prohibited such ads, but when no such policy could be found, and when it was revealed that the staff member in charge of accepting advertising was a cousin of Tomseth, the paper retreated. Still, the newspaper insisted that the name of every signer of the statement be authenticated by a notary public. Reported in: *Revolutionary Worker*, November 19.

religious solicitation

Newark, New Jersey

Following a mid-October ruling by a three-judge panel of the U.S. Circuit Court of Appeals upholding the policy, the International Society of Krishna Consciousness says it will continue its fight against a New Jersey Sports and Exposition Authority ban on solicitation and distribution of literature at the Meadowlands sports complex, possibly petitioning the U.S. Supreme Court. Meadowlands officials say the decision allows them to "protect their patrons from harassment," but the Hare Krishna devotees claim the ruling "threatens the First Amendment rights of all the people of New Jersey."

The sports authority prohibits all religious, political, charitable, and civic groups from disseminating literature or soliciting funds at the complex, which has a football stadium, basketball arena, and race track. According to the court decision, revenue from horse betting "actually carries the entire Meadowlands project." Hence, the justices reasoned, the project is primarily a money-making venture and thus may prevent groups interested in soliciting or in distributing literature counterproductive to this goal from doing so. "Die-hard football fans and railbirds may anticipate some bad days for their favorite teams and steeds, but the irritation will not be compounded by the importunings of those seeking contributions for special interest groups," the justices wrote. The court said that First Amendment considerations did not apply, because

the ban is nondiscriminatory, applying equally to all groups. Reported in: *Newark Star-Ledger*, October 24.

child pornography

Albany, New York

In a 7-0 ruling, the New York State Court of Appeals has bowed to the U.S. Supreme Court and upheld New York's child pornography law, which bans photos or films of children in sexual acts even if they are not obscene. On October 21, the Court reversed its opinion of a year ago in the case of *People v. Ferber*, which had held unconstitutional the law's nonobscene dissemination offense. That ruling was struck down by the U.S. Supreme Court in July (see *Newsletter*, September 1982, p. 153, May 1982, p. 73).

The new appeal, argued just eight days before the decision was announced, concerned whether the law should be upheld under the state constitution, which, in the past, the Court has interpreted more liberally than the U.S. Constitution. The court, however, noted that the Supreme Court said the law could be upheld despite guarantees of free expression unless it "reaches impermissible applications." The justices declined to address Ferber's claim that the law could be used to ban other worthwhile material, noting instead that in this case its application had, in light of the Supreme Court decision, stayed within permissible limits as set by both the federal and state constitutions. Reported in: *New York Post*, October 22.

obscenity

Annapolis, Maryland

A well-known four-letter word for sexual intercourse is not legally obscene or profane, the Maryland Court of Appeals ruled October 13. The word fuck is not profane because it does not refer to something divine or holy, the state's highest court said. It is not obscene, at least as used in the case before the court, because it is not erotic.

Ruling in a case involving a man who allegedly shouted the epithet at a police chief, the court said use of the word in public is not grounds for a disorderly conduct charge. The law involved in the case allows punishment for people who disturb a neighborhood by making "loud and unseemly noises" or who "profanely curse and swear or use obscene language" within earshot of others on a public street.

By a 4-3 vote, the justices ruled that constitutional

free speech guarantees applied to defendant Robert Diehl's words so long as he was not advocating "imminent lawless action." The court threw out Diehl's 30-day sentence for disorderly conduct and also two convictions for resisting arrest arising from the same incident. The court said that since the initial arrest on the disorderly conduct charge was based solely on use of the vulgar word and thus improper, Diehl had a right to resist within reasonable bounds. Reported in: *Baltimore Sun*, October 14.

Annapolis, Maryland

The Maryland Court of Special Appeals, the state's intermediate appellate court, reinstated 252 pornography counts against a Reiserstown bookstore November 8, overturning a Baltimore county judge's ruling that the state law under which the store was charged is unconstitutional. Judge Cullen H. Hormes, of the Baltimore County Circuit Court, had dismissed the charges in January, saying that the relevant provision of the law was too sweeping. The section used in the case forbids public display for advertising purposes of anything that "depicts sadomasochistic abuse, sexual conduct, or sexual excitement."

"It would appear literally that any religious publication portraying the Crucifixion on its cover would be in violation of the law," Hormes said. But, in an opinion written by Judge Thomas Hunter Lowe, the Court of Special Appeals disagreed. Although the law does not use the word "obscene," Judge Lowe said that the obvious intent of the legislature was to regulate obscenity. "Without the depiction being obscene it would be absurd to believe that the General Assembly intended to curtail advertising of a religious symbol, or even an innocuous novel," he wrote.

Lawyers for the Rye Book Store of Reiserstown also had sought to have a June 26, 1981 search of the store declared illegal. During the search, some 733 items were seized, resulting in the filing of 252 obscenity charges against the store. The court, however, said it would listen to that argument only if there is eventually a conviction in the case. Reported in: *Baltimore Sun*, November 9.

Salem, Oregon

The Oregon Court of Appeals ruled November 10 that a state statute on furnishing obscene materials to minors is too broad and thus unconstitutional. The action upholds a lower court order in favor of defendant Howard Wayne Frink, who was charged with showing a photograph of a portion of a nude body to three minors. In an opinion by Judge John Buttler, the appeals court agreed with the trial judge that the law is overbroad. Buttler said the statute "contains neither a definition of 'obscene materials' nor well-

drawn standards for judging obscenity. Rather, it prohibits all materials furnished to minors depicting nudity, regardless of the context in which nudity is presented. Such a proscription, even to minors, sweeps too broadly." Reported in: *Portland Oregonian*, November 10.

nude dancing

San Jose, California

In a 5-2 decision, the California Supreme Court held October 18 that a Santa Clara County ordinance prohibiting nude dancing in public places is unconstitutional. The court said that any prohibition against "non-obscene nude dancing" that goes beyond state-licensed establishments serving liquor violates the right of free expression under the First Amendment.

In an unsigned opinion, the court majority overturned a 1973 decision. The justices said they were now compelled to conclude that the earlier Supreme Court ruling "went too far in permitting the exclusion of all nude entertainment." The justices noted that recent federal decisions have upheld restrictions on nude dancing in bars, based on the 21st Amendment repealing prohibition. But the court indicated that total bans could not be sustained in the belief that they regulated only "conduct" and not "free speech." The case before the court involved a dancer at the Hip-hugger, a San Jose bar, who was arrested in October 1978 for exposing her buttocks during a performance.

In dissent, Justice Frank Richardson, joined by Justice Cruz Reynoso, said the ordinance should have been upheld, based on the traditional interest of local communities in "promoting public morality and general welfare" and the "emerging concern over the social harm caused by the sexual exploitation and degradation of women for profit." Reported in: *Los Angeles Times*, October 19.

libel

Denver, Colorado

A three-judge panel of the 10th U.S. Circuit Court of Appeals ruled 2 to 1 November 5 that a story in *Penthouse* magazine about the sexual exploits of a Miss Wyoming during the Miss America pageant did not defame a former Wyoming beauty queen. Overturning a \$14 million libel award received by Kimerli Pring in U.S. District Court in Wyoming in 1981, the court declared that the story may have been in poor taste, but could not be taken literally. Lawyers for the

magazine had argued that the story detailed events that would be impossible in real life and thus could not be libelous.

"The First Amendment is not limited to ideas, statements or positions which are accepted, which are not outrageous, which are decent and popular [or] which are constructive," the court said. "Although a story may be repugnant in the extreme to the ordinary reader . . . the typical standards and doctrines under the First Amendment must nevertheless be applied." Reported in: *Washington Post*, November 6.

church and state

Pawtucket, Rhode Island

On November 3, the U.S. Court of Appeals in Boston permanently enjoined the city of Pawtucket from displaying a Christmas nativity scene on privately-owned downtown park land. In a 2-1 decision, the court ruled the display violated the First Amendment guarantee of separation of church and state. Pawtucket had used a creche as part of a larger Christmas display for forty years until challenged in a suit by the Rhode Island Civil Liberties Union.

Writing for the majority, Judge Thomas E. Fairchild said, "Erection of the creche had a primary effect of advancing religion and therefore was unconstitutional." He said the city was unable to "advance any legitimate secular purpose" for displaying the manger scene, hence its action must be seen as an attempt to "endorse and promulgate religious beliefs." Reported in: *Boston Globe*, November 4.

advertising

San Diego, California

On October 12, a federal judge issued a preliminary injunction prohibiting the city of San Diego from enforcing an ordinance banning temporary political signs on public property. U.S. District Judge Leland C. Nielsen said he had no choice but to issue the ruling in light of an earlier Ninth U.S. Circuit Court of Appeals decision that upheld a challenge to a similar ordinance in Los Angeles.

City authorities had argued that the ordinance was enacted in an effort to keep San Diego an attractive city. But Wayne Canterbury, attorney for the Candidates Outdoor Graphic Service, which challenged the statute, argued that the city gives favor to commercial signs to the detriment of political ones. He said that

permitting other types of signs on public property indicates the city does not have a comprehensive abatement program aimed at aesthetics. Reported in: *San Diego Union*, October 13.

New York, N. Y.

The parents of two children disabled by cystic fibrosis have lost in a legal effort to bar a new fundraising campaign by the Cystic Fibrosis Foundation because the ads bluntly state, "When you've got cystic fibrosis, you're gonna die." Thomas and Mary Holmes of Pearl River, New York, had argued that their children, who suffer from the disease, would be devastated by the new campaign. But Manhattan Supreme Court Justice George Bundy Smith said the campaign could not be stopped because it enjoys the protection of the First Amendment. Reported in: *New York Post*, December 1.

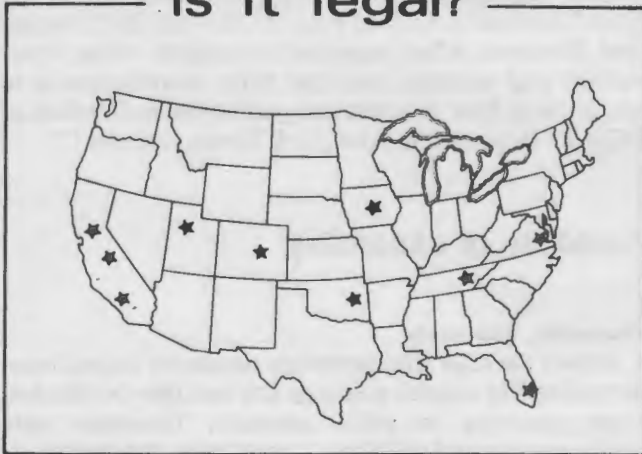
(*Censorship survey . . . from page 1*)

second place with 54 percent of those surveyed reporting censorship incidents, and the Plains states were third with 53.5 percent. Among librarians in the Mountain states, 53 percent reported incidents, while in the South, just 44 percent reported incidents.

Go Ask Alice topped the list of most frequently challenged titles, replacing J. D. Salinger's *Catcher in the Rye*, the most frequently challenged book in previous surveys, which has moved into second place. Third place on the list was occupied by the controversial feminist health manual, *Our Bodies, Ourselves*. Other titles cited as most frequently challenged were, in descending order of frequency, *Forever* by Judy Blume, *Of Mice and Men*, by John Steinbeck, *A Hero Ain't Nothing but a Sandwich*, by Alice Childress, *My Darling, My Hamburger*, by Paul Zindel, *Slaughterhouse Five*, by Kurt Vonnegut, Steinbeck's *Grapes of Wrath*, and *Huckleberry Finn*, by Mark Twain.

The list of most frequently challenged periodicals contained a variety of popular magazines including *Time*, *Newsweek*, *Sports Illustrated* and *Parents*, as well as *Rolling Stone*, *Mad*, *Ms.*, *Harper's Bazaar*, and *Glamour*. The six most frequently challenged films were *The Lottery*, *Romeo and Juliet*, various sex education films, *Bless the Beasts and the Children*, *Childbirth*, and *Night Fog*. Reported in: *Milwaukee Sentinel*, November 18; *New York Times*, November 28.

is it legal?



communism

Miami, Florida

By a vote of 4-3, the Dade County School Board rejected a request by county teachers and administrators that the Board include in a package of issues for the state legislature to consider, a proposal to change a twenty-year-old state law which requires teaching "the evils of communism." According to the law, Florida high schools must devote six weeks of instruction to a course in "Americanism versus communism." The law makes clear that the course should be taught from a specific point of view, stating: "The course shall lay particular emphasis upon the dangers of communism, the ways to fight communism, the evils of communism, and the false doctrines of communism."

For years, Dade County educators have complained that the law is propagandistic. "In order to teach this course and to follow the guidelines of the statute, instructors have to use materials that are quite antiquated and take the old Joe McCarthy approach to communism," said Paul Hanson, Dade's supervisor of social studies. But the school board majority has consistently refused to back efforts to change the statute. Board Chairman Paul Cejas, a Cuban immigrant, led the defense of the statute. "As someone who has suffered personally the direct influence of communism, who had to leave a native land and migrate to other shores—as [did] 40 percent of the population of Dade County—I think [trying to change the law] shows insensitivity to our population."

But board member Janet MacAiley disagreed. "You came to a country where there is a free exchange of

ideas," she told Cejas. "All philosophies should be taught in our schools so our students know how to deal with them." Reported in: *Miami Herald*, November 4.

evolution and creation

Des Moines, Iowa

The Handy Dandy Evolution Refuter and other books written from a creationist viewpoint cannot be adopted as required reading in Iowa public school science classes. But the volume and others like it can be placed on the shelves of public school libraries. Such was the opinion of Assistant Attorney General Merle Wilna Fleming, released October 1. The opinion also said petitions filed in Cedar Rapids and other school districts seeking to force schools to put creationist literature in their libraries were invalid.

The opinion had been requested by state Sen. Ted Anderson (D-Waterloo) after residents of Des Moines, Council Bluffs and Cedar Rapids submitted petitions to their school boards this fall. The petitions asked that voters in the fall school board election be given a chance to require the adoption of fifteen creationist books as "supplementary textbooks for school library and teacher resource use in every school." The school boards in the three districts decided not to put the question before the voters.

The opinion said Iowa law gives voters the right to tell the school board to change textbooks, but it doesn't give them the right to tell the board which books to adopt nor the right to specify which books should be included on library shelves. Reported in: *Cedar Rapids Gazette*, October 2; *Des Moines Register*, October 2.

universities

Berkeley, California

An internal university panel investigating charges of censorship at the University of California has declared the allegations groundless. The three-member panel, headed by UC Academic Vice President William Frazer, probed charges by two university science writers who claimed their nationally aired radio programs were suppressed by university officials. An attorney for the two employees called the panel's findings, released in late October, "a self-serving report."

The dispute centers on two long-running radio series produced by the university public affairs office, "Science Editor" and "University Explorer." The shows highlight the work of various UC researchers. Charles Levy, who has produced the programs for 25

years, and Sylvia Paull, who has been fired for insubordination, claimed their superiors canceled a radio script about discrimination against women faculty members and imposed other unfair restraints. Their supervisors countered that the tone of the discrimination program was inappropriate and that they were exercising proper editorial control.

The panel report does not put the matter to rest. The California State Employees' Association has filed suit against the university in federal court to bar retaliation against Levy and Paull, and the UC Academic Senate is also looking into the dispute. Reported in: *San Francisco Examiner*, October 21.

Fresno, California

Although a dispute over attorney's fees remained unsettled, Fresno State University officials announced October 11 that an out of court settlement had been reached in a suit filed to challenge university regulations governing access to the campus free speech area. The university has agreed to drop requirements that individuals and groups using the area first get a permit and provide names and information about the applicant.

The controversy began on June 14 when FSU sociology professor Bob Fischer and two members of the Latin American Support Committee were stopped on campus while circulating a petition calling for an end to U.S. involvement in El Salvador. Campus police informed the three that they would need a permit to circulate the petition or accompanying literature. The LASC went to court and won a temporary order permitting continued circulation of the petition until the larger free speech issues could be decided. But in September, the university modified the rules, and in October, offered to drop all restrictions other than those dealing with vehicular and pedestrian traffic management, harassment and disruption of classes.

State Deputy Attorney General Corrinne Murphy, who represented the university, said the settlement does not mean the university's rules were wrong. "Fresno State decided to give it a try without them," she said, adding that the rules could be reinstated "if necessary." Reported in: *Fresno Bee*, October 13.

church and state

Loveland, Colorado

Gideons International, which for several years has been distributing its Bibles to fifth- and sixth-grade children in two Colorado towns, has been told to stop.

School Superintendent Robert Turner said the school board decided to ban the practice this year in Loveland and Berthoud after receiving complaints citing court rulings and pointing out that Bible distribution is in violation of First Amendment guarantees to freedom of religion. Reported in: *New York Times*, October 17.

freedom of assembly

Nashville, Tennessee

Robed Ku Klux Klan members cannot be barred from attending city council meetings nor can they be blocked from gathering on public grounds, Tennessee state Attorney General William Leech said November 8. In a written opinion, Leech declared that the Klan has the same constitutional rights to free speech and assembly as other groups.

The opinion came in response to an inquiry by Clarksville city attorney Frank Runyon, who wanted to know if the Klan could be prohibited from attending that city's council meetings, where robed and un-robed Klan members show up almost regularly. "For the past year, we have had some Klansmen at basically every meeting," the city attorney said. "But other than it being distracting, we really haven't had any problem or had unruliness on their part." Runyon said he agreed with Lynch's opinion.

"If a statute or ordinance can ban the Klan from coming to a county or city meeting, then it can ban reporters," Leech wrote. "Just because some people are Nazis and some people are lawyers and some are reporters or ultra liberal gays, doesn't give anyone the right to exclude them. That's what the First Amendment is all about." Reported in: *Nashville Tennessean*, November 9.

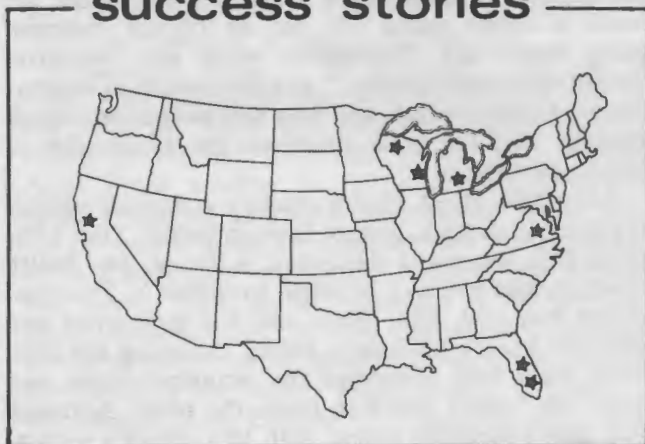
magazines

Muskogee, Oklahoma

In the town immortalized as a citadel of traditional, conservative values by country singer Merle Haggard, sexually oriented magazines such as *Playboy*, *Penthouse*, and *Hustler* can now only be sold "under the counter." A new ordinance passed by the City Council in November forbids Muskogee storekeepers from displaying the magazines on open shelves and from selling them to minors. The penalty for violation is a fine of not more than \$100, or imprisonment of no

(Continued on page 25)

success stories



libraries

Cotati, California

After failing to reach a decision at two previous meetings, the trustees of the Cotati-Rohnert Park School District voted October 5 to keep *Deenie* and other titles by controversial young adult author Judy Blume on school library shelves. In August, a district parent, Joan Podchernikoff, had demanded the book's removal from every library in the district because "this kind of reading material undermines the moral upbringing I and other parents like me are trying to instill in our children." Specifically, Podchernikoff objected to a passage in the book describing masturbation (see *Newsletter*, November 1982, p. 205).

Under board policy, when a request for reconsideration has been made, a committee is appointed to review the book and report to the Superintendent. A committee of five teachers, a librarian, and a school principal was named to review *Deenie* and on October 4 recommended its retention. But before the report was submitted, trustee Andy Camozzi proposed a general ban on Blume's books until each could be reviewed by the board itself. "Some of these books are pornography," he declared in reference to Blume's twelve titles. "We might as well put *Playgirl* and *Playboy* magazines in the library."

Camozzi was supported by a large and vocal group of parents and several ministers, but other trustees were hesitant to back his proposal. Although critics of Blume were the most visible at board meetings, Superintendent Bob McConnell told the board calls on the issue were running overwhelmingly in favor of retaining *Deenie* without restriction. A compromise under which

the books would be restricted to "children whose parents let them read that kind of thing" was rejected, and the board decided to wait for the committee report, after receipt of which it voted to retain all Blume titles. Reported in: *San Francisco Examiner*, September 28; *San Jose Mercury*, October 7.

Eau Claire, Wisconsin

Scott Arbeiter was walking through L. E. Phillips Memorial Public Library last June when he noticed some school-age children watching an R-rated movie on the library's videocassette equipment. Concerned, he went to alert the library staff. "I thought someone had made a mistake," he said. But there was no mistake. The library's policy is that while children must be in the seventh grade or older to operate the videocassette equipment, children of any age can view or check out of the library any videocassette in its collection, including the fourteen out of eighty tapes rated R by the Motion Picture Association of America.

Arbeiter was incensed. After writing a letter to local newspapers, he appealed to the library board. "There is such a fear of censorship, but sometimes censorship is appropriate," he argued. "Some of those movies were designed for adults, not kids." The board did not agree. At their August 19 meeting, the trustees voted 6-1 to continue allowing children access to all videocassettes unless their parents specifically request otherwise. Arbeiter would have preferred things the other way around. "Let's put the burden of proof on the parents and let them send a note that the children could watch it," he said.

Library Director Mark Morse explained the library's stand: "We don't feel it is appropriate to accept an external rating procedure. It [the rating system] is not even related to libraries. It's intended for theaters. I think our feeling is that public libraries have a different mission than movie theaters. If we accept that kind of external rating system, there's no reason in principle why it couldn't be applied to books as well. It's not the library's function to decide what's good for people. Our role is to make as wide a range of information as possible available to the public." Reported in: *Eau Claire Leader-Telegram*, September 18; *St. Paul Pioneer Press*, September 19.

schools

Haines City, Florida

Just weeks after the Kurt Vonnegut novel *Slaughterhouse Five* was retained in the Lake Gibson High School library over the objections of a parent who had labelled

it obscene (see *Newsletter*, September 1982, p. 155), another controversy at nearby Haines City High School ended with the retention of Ray Bradbury's classic science fiction novel, *The Martian Chronicles*, in the curriculum of an advanced placement English class. Judith Roberson, parent of a student in the class, had filed a complaint with school officials about objectionable material in the work and requested its removal from the curriculum and its banning from school library shelves.

The dispute began in September when Roberson first looked over a copy of the book being read by her 16-year-old daughter, Jerri. Noting several instances of profanity and use of God's name in vain, she brought her complaints to instructor Barbara Clark. Although Clark offered to permit Roberson to black out offensive wording in her daughter's copy or to assign Jerri alternate reading, Roberson refused. Instead she filed a formal request for reconsideration. In response, Principal Paul Roberts met with the school's English teachers and media specialists. The meeting measured the book against the school district's guidelines for selection of literary works, and, on the basis of this discussion, Roberts ruled the novel could continue to be used.

The principal deemed formal reconsideration of the title by committee unnecessary, but was overruled by School Board attorney Bubba Boswell. The committee met on October 7 to hear testimony from Roberson and her supporters, including at least one clergyman. Roberson admitted that she had not read the book. "I just want it banned from classroom use," she said. Several students and parents, however, rose to the book's defense, and at the meeting's close the committee voted 5-0 to uphold the previous decision and keep Bradbury in the curriculum.

"I think I would rather move out of this county right now," Roberson responded. "As Christians we have no rights as such, because our schools can't teach the Bible, but they can teach this." English teacher Clark had a different view of the outcome. "My real concern," she said, "is what will be attacked next—who wants to go through this every time we read a book. That's the real danger here." Reported in: *Haines City Herald*, September 30, October 3, 10; *Tampa Tribune*, September 25.

Palm Beach, Florida

Let's Talk About Health will continue to be used as a textbook in junior high school health classes in Palm Beach County despite opposition by a local parent. The final decision to retain the book came October 20 after the County School Board heard and rejected an appeal of a previous review committee decision by Mrs. Gail Bjork, a leader of Parents for Academic and Responsi-

ble Education. Mrs. Bjork had complained that the book is better suited for use by college students, citing specifically illustrations which are "negative, violent or sexually explicit," and discussions of masturbation, homosexuality, and drug and alcohol use. Bjork charged that the book promotes the philosophy of secular humanism.

After Mrs. Bjork filed a citizen's complaint against the book in August, School Superintendent Tom Mills chose four parents, a clergyman, a doctor, two health teachers, and a school principal to review it. The committee met with Mrs. Bjork and her supporters and with the book's publishers before endorsing the title. Supt. Mills later supported the recommendation and urged the School Board to retain the book. Although two Board members agreed with Mrs. Bjork's accusations, a majority did not. Reported in: *Palm Beach Post*, September 9, October 21.

Grand Ledge, Michigan

A few parents opposed to an elementary school's Halloween production because of its "Satanic influences" lost an effort to have the Grand Ledge school board suspend production of the skit, entitled "Monster Madness." Chester and Wilma Vandegriff became upset at references to witchcraft, fortune telling and haunting in the skit, which were brought to their attention by their 9-year-old son, a student at Neff Elementary School in Grand Ledge. "He said the music was great but that he didn't like the words," Mrs. Vandegriff said. "Right now the church of Satan is the most dominant church in the world, far outreaching the Catholic Church."

Although the Vandegriff child was excused from participation in the project, the parents said they were concerned that most parents were unaware of what was going on and should be informed about the play. Mrs. Vandegriff said that all but two of the parents and clergy she contacted were opposed to the skit. At a board meeting October 5, the Vandegriffs were supported by a small group of other parents and some ministers, but by a vote of 4-2 the board rejected a motion to suspend production pending an investigation of whether the play might violate constitutional guarantees separating church and state by promoting occultism. Reported in: *Lansing Journal*, October 6.

Wise County, Virginia

Despite the protests of several parents who complained the book contains sexually offensive passages, *The Diary of Anne Frank* will be available to seventh graders and continue as required reading in language arts classes, Wise Middle School principal Jack Turner declared October 11. The announcement came after

the protesting group decided not to attend an open house discussion of the issue at the school.

Apparently, none of the protestors had read the book, the famous true diary of a young Jewish girl who hid from the Nazis and ultimately perished at their hands, but had seen a carefully edited excerpt in which Anne Frank touches on her awakening feelings of sexuality and her need for companionship, which, taken out of context, could be construed as a lesbian fantasy. After a news story erroneously reported that the book had already been banned, members of the protesting group received phone call from irate citizens. According to one of the protestors, after this, "all of the support" for opposing the book "disappeared." Reported in: *Washington Post*, October 12; *Kingsport (TN) Times*, October 11.

Waukesha, Wisconsin

Last year it was *Firestarter*; this year it's *Salem's Lot*. It seems that novels by Stephen King always run into trouble at the Central Middle School Book Fair, at which students in grades 7-9 are encouraged to buy books for leisure reading. Last spring an objection raised to the sale of *Firestarter* resulted in the establishment of new policies and procedures for the consideration of complaints and the formation of a nine-member Consideration Committee. In its first official act the committee voted unanimously to offer *Firestarter* at the next fair and to retain it on school library shelves (see *Newsletter*, September 1982, p. 169).

Then in October, school Principal Donald Paoletti objected to the inclusion of *Salem's Lot* in the fair to be held that month. At an open meeting of the committee on October 11, he argued that the book had been selected contrary to a committee standard calling for books appropriate to the readers' maturity and level of knowledge. "I've listed 146 pages that include obscenities, sexual references, violence, horror and child abuse," he said.

Paoletti was supported, however, by only one of eighteen other speakers, a local parent. Teachers and students in the school district defended the book. Elizabeth Gifford, a reading resource teacher, said that few seventh-graders would attempt *Salem's Lot* because of its length, small print and sophistication. "Those who do usually are mature readers . . . whose parents encourage their wide reading." Judith Casey, director of reading for the school district, told the committee: "I believe it comes down to one word: trust. I believe that we should trust readers—even seventh-graders—to select books appropriate for themselves. I do not fear readers who think. I fear readers who don't think." The committee agreed. A week later it was decided to retain *Salem's Lot* as a selection in the Central Middle School Book Fair. Reported in:

Waukesha Freeman, October 12, 19; *Milwaukee Journal*, October 12.

(In review . . . from page 6)

available publications. And this is as true for newspapers as it is for other formats, whether they be news-oriented, informational, aimed at interest groups, or whatever. The selection clearly presents the flavor of the alternative press and represents aspects of life which are of central concern to these publications as a whole.

The audience for this well-selected and intelligently-edited sampling should be quite wide. Most academic libraries will find the selection introduces alternative publications when budgets prohibit many subscriptions. Public libraries often receive inquiries for information on these topics. At least some school libraries serve students with enough information and experience to be able to handle the counter-culture movements represented here. Temple provides a service in this collection, and anyone concerned with intellectual freedom should be familiar with this book and its ideas.—*Reviewed by Neal L. Edgar, Associate Curator Special Collections, Kent State University Libraries.*

black nurses call for boycott of textbook

In an August 20, 1982, letter signed by President E. Lorraine Baugh, the National Black Nurses Association called on nursing schools to boycott a nursing textbook, *Human Sexuality in Nursing Process*, by Elizabeth M. Lion. The group charges that the book contains material which is "offensive and insensitive" to blacks. Specifically, Baugh notes that a chapter entitled "Sexually Transmitted Diseases" is introduced with a picture of a young black couple. Since this is said to be the only picture of black people in the book, the letter concludes that in conjunction with the title the work perpetuates "the myth of Blacks as sexually promiscuous and primary transmitters of sexual diseases." Ms. Baugh rejected calls to reprint the book with the picture moved to a new location. She suggests instead "that the book be removed entirely from the schools' of nursing libraries, from schools' curricula, and from all bookstore markets. The possibility of making a change in the book at a second printing, as suggested, is just not acceptable."

(Censorship dateline . . . from page 14)

say that everything they have to say is in the book, which includes chapters on such topics as suicide and insurance, the right to choose death, the history of suicide, and some fifty recipes for lethal "cocktails" which guarantee a "gentle" passing.

According to publisher Alain Moreau, about ten suicides have so far been linked to the book. "But I feel no remorse," he says. "This is a book that pleads for life. But it also recognizes that the right of suicide is an inalienable right, like the right to work, the right to publish." Moreau claims to have received about 500 letters about the book, most "from elderly people who want to know where they can buy it."

Suicide is scheduled to be published in West Germany and Spain, and publishing houses in Brazil, Denmark, Italy, Japan and the United States are negotiating for the rights. Reported in: *Norwich (CT.) Bulletin*, September 9.

Jerusalem, Israel

A 34-year ban on the musical works of Richard Strauss came to an end in Israel November 10, but a similar prohibition against the works of Richard Wagner remains in force. The two German composers, alleged by many to have been anti-semitic, have been banned in the country since its founding in 1948. The ban on Strauss was dropped by the Israeli state broadcasting authority after a special appeal by conductor Igor Markevich, who was appearing in a series of concerts with the state radio orchestra. The authority said Strauss's works could now be performed on radio and television and in concert by the orchestra. Efforts by the independent Israel Philharmonic Orchestra to play Wagner, however, were met last year by a storm of public protest and denied. Reported in: *Baltimore Sun*, November 11.

Tel Aviv, Israel

An October 25 decision by the Film and Theater Censorship Board to ban a theatrical satire by one of Israel's foremost playwrights has triggered a storm of controversy. The board filed criminal charges against the Neve Zedek Theater after the company ignored an order to cease performance of *The Patriot*, by Israel Prize Winner Hanoch Levin. Hundreds of Israelis, including several members of parliament, had packed the theater for the first illegal performance of the play, which targets nationalist and patriotic values.

In the play, a caricature Israeli is simultaneously chauvinist and desperate to emigrate to the United States. To prove his patriotism, he is forced to kick an Arab boy. To get a U.S. visa, he is obliged to spit in

his mother's face, to prove to the U.S. counsel that he is not taking his family. In the end, he is killed on military duty in Israeli-occupied Albania.

Joshua Justman, head of the censor board, called the Levin play "gravely offensive to the fundamental values of the state." Deputy Education Minister Miriam Tasa-Glazer, a supporter of the ban, said the decision against the play was not censorship. "This play questions our entire existence, experience, the right of the people of Israel to exist," Tasa-Glazer said.

In the past, the censor board has suppressed several plays or parts of them for what it labelled excessive violence or pornography. But, according to board member Yeshayahu Ben-Porath, who resigned to protest the ban, no entire play had previously been prohibited solely because of its political message. The censor board is appointed by the Interior Ministry and consists of 21 public figures, artists and government officials selected to reflect the balance of forces in the political establishment. The vote on *The Patriot* was 11 to 7.

The controversy surrounding *The Patriot* exemplifies how Israeli theater is becoming a vehicle for questioning some of the basic values of those strongly nationalist Jews who founded the Zionist state. In *A Jewish Soul*, playwright Joshua Sobol finds a parable for Zionism's failures in the life of Otto Weininger, an Austrian Jewish thinker who converted to Christianity and became an anti-semitic. Some Israeli rabbis have demanded the deletion of passages from this play, and the issue is to be debated in parliament. In another provocative play, *Yosele Golem*, Dan Horowitz uses the Golem, a Frankenstein-like monster of Jewish folklore, as an analogy for the Israeli Army.

While most critics of the censor board identify its decision with the Begin government's alleged efforts to silence critics of its policies, protest over the ban has cut across party lines to some degree. Among those parliament members who attended the illegal performance of Levin's play, was a member of Begin's Likud faction. Another Likud deputy, Michael Kleiner, has said that he would campaign to abolish censorship in Israel. Reported in: *Washington Post*, October 27.

Modena and Venice, Italy

Postponement of a film series of Jewish comedies, organized by the cultural supervisors of Venice and Modena, led to a municipal government crisis in Modena in early October. The films had been scheduled for screening in Venice in October and then Modena in early November, but, after the Israeli invasion of Lebanon, the Venetian supervisor postponed the series indefinitely. The Modena supervisor concurred in the decision.

Both officials related the postponement to the possi-

bility of demonstrations or even violence, but implications of possible anti-semitism raised a fracas in both cities and the decision was countermanded almost immediately by the municipal councils. Shortly thereafter, Modena cultural chief Dino Motta resigned, but members of the Communist Party in the city's Communist-Socialist coalition government rejected the resignation, arguing that Motta's faulty judgment was not by itself sufficient cause for his removal. Reported in: *Variety*, October 13.

(Is it legal? . . . from page 20)

more than thirty days, or both.

Passage of the ordinance capped a six-month battle by Susan Buck, a mother of four children and one of the leaders of the Concerned Citizens of Muskogee. Mrs. Buck and her husband became concerned about the issue when they walked into a Muskogee grocery store with their children and found the magazines prominently displayed near the door. "At least now we are protected in our own community," said Mrs. Buck. "Now it will be up to the citizens, when this goes into effect, to check the stores, and seek charges against those in violation." Reported in: *Tulsa Tribune*, November 10.

cable TV

Miami, Florida

In the wake of a straw ballot in which Miami voters narrowly supported efforts to ban "indecent" programming from cable television, and an abortive effort by Mayor Maurice Ferre to establish a cable censorship committee (see *Newsletter*, November 1982, p. 214), the Miami city attorney's office has drafted a proposed ordinance which would penalize cable franchise holders with suspension and ultimately revocation of their awards if found guilty of transmitting either "obscene" or "indecent" material. The ordinance would empower the city manager to investigate and file complaints, and establishes a hearing procedure to handle cases. The proposal must be approved by Miami voters in a referendum. Reported in: *Variety*, November 3.

Roy, Utah

The Roy City Council has shown a "high-handed" disregard for fundamental constitutional rights and "seeks to regulate personal morality to an unreasonable

degree," charged the Utah Chapter of the ACLU October 1 as it filed a class action lawsuit challenging the city's "indecent" ordinance. The suit, filed in U.S. District Court, claims the ordinance is overly broad and violates both First Amendment rights to free expression and communication and Fourteenth Amendment guarantees to privacy.

The ordinance, aimed principally at regulation of cable television, provides for license or franchise revocation for anyone who broadcasts or distributes pornographic or indecent material. The ordinance defines indecent as any description of erotic human sexual organs, erotic nudity and erotic sexual acts. Such provisions had been tentatively dropped by the City Council in July after a crowd of 600 people descended on the Council in opposition to the proposal (see *Newsletter*, November 1982, p. 217), but on August 24 the Council passed the ordinance with the controversial definition restored.

According to Shirley Pedler, Utah ACLU executive director, under the statute even works like Michelangelo's statue of David, paintings by Rubens, or passages from the Bible conceivably could be banned. Cable television companies have already filed similar actions charging that the statute illegally restricts their business. The ACLU suit, however, does not seek damages, but only asks the court to enjoin the city from enforcing the law. Reported in: *Salt Lake Tribune*, October 9.

video games

Los Angeles, California

Los Angeles County officials have voted to ban sex-oriented home video games. Ignoring arguments from the American Civil Liberties Union that any prohibition of the games would constitute illegal censorship, the Los Angeles County Board of Supervisors voted 3-1 November 17 to ban three games which have drawn fire from women's and minority groups as being racist and sexist. The games include "Custer's Revenge," in which an image of a cavalry officer clad only in boots and a hat must be maneuvered into sexual union with a naked Indian woman tied to a stake. Reported in: *Chicago Sun-Times*, November 18.

advertising

Williamsburg, Virginia

Reversing a September 15 ruling that a Newport News real estate agent had a right to state his religious

views in his advertising, the Virginia Real Estate Commission voted in early November to refer the matter to the state attorney general's office. "The action of the commission amounts to a finding of reasonable cause that there is a violation of the Virginia fair housing law," said a public information officer with the State Commerce Department.

Real estate agent Paul Lotz is the target of a fair housing complaint filed by the Anti-Defamation League of B'nai B'rith, because of a sign in front of his office which carries constantly changing messages, usually expressing Lotz' religious beliefs about the return of Jesus Christ. Lotz also uses the Christian symbol of a fish and the slogan, "Jesus is Coming," in some of his published advertising. The ADL contends that state and federal fair housing laws prohibit advertising which "indicates a preference or limitation" based on religion, race, sex or national origin. The ADL did not charge Lotz with actual discrimination. "Mr. Lotz has every right to express his religious views publicly outside the context of his real estate business," said Norman Olshansky, regional director of ADL who filed the complaint in 1980. "What is illegal is the promotion of his business utilizing religious advertising." The federal Department of Housing and Urban Development has also been studying the case. Reported in: *Washington Post*, November 6.

union opposes censorship

The issue of censorship of library books at Montgomery County Community College in Lansdale, Pennsylvania has been placed on the collective bargaining table by college teachers' union negotiators, and the school administration is not happy. Although neither side can recall any censorship effort at the college, the union is concerned that book-banning efforts elsewhere could creep into the college and strangle access to information there, said chief union negotiator Ronald O'Brien. The union is asking for a contract clause specifically opposing the censorship of library and classroom materials.

College representatives, however, said such a clause would create "a living nightmare" because of grievances that could result if the college was unable to purchase books faculty members want but which the college can't afford. Chief college negotiator James Campbell says the college already has a long-standing policy against censorship. He said he can't believe any teacher would strike over the issue.

"The college is really annoyed about that issue and I'm sorry they are," responded O'Brien. "It's a bona fide issue and we're concerned about it." Reported in: *North Penn Reporter*, October 21.

censorship and circulation

Dr. Ronald Glasser, the Minneapolis doctor whose 1971 book about Vietnam, *365 Days*, was the subject of attempted censorship at a high school in Baileyville, Maine (see *Newsletter*, March 1982, p. 33; November 1982, p. 197) reports that the controversy spurred sales of the book in Maine to unprecedented levels. Glasser said 4,000 copies were sold in the state in the two months following the January 1982 trial, which resulted in an order to the Baileyville School Committee to return the book to the school library. "They had to ship up additional copies by Federal Express," he said. "People who haven't bought a book since Lawrence Welk's 'Wunnerful, Wunnerful' must have bought my book." Reported in: *St. Paul Dispatch*, September 24.

American Book Review focuses on censorship

The American Book Review, a journal emphasizing coverage of books from non-commercial, university and small presses as well as from major publishers, has announced the inauguration of a series of supplements about growing infringements on the freedom to write, both in the United States and abroad. The series began with the November-December issue of the journal which featured articles by Kirkpatrick Sale, Philip Green, Kingsley Widmer, Sol Yurick and John A. Williams on censorship, freedom of information, government and corporate intervention in publishing, prison writing, and the suppression of the alternative press. On December 5, the journal, along with PEN, cosponsored a "Freedom to Write Celebration" in New York to inaugurate the series. The meeting featured authors Allen Ginsberg, Nat Hentoff, Victor Navasky, and Richard Gilman.

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