newsletter on
intellectual freedom
IFC ALA

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ISSN 0028-9485

July 1984 ☐ Volume XXXIII ☐ No. 4

Texas evolution rules dropped

In what may prove a landmark vote, on April 14, the Texas Board of Education repealed a decade-old rule requiring textbooks used in the state's public schools to describe evolution as "only one of several explanations" of the origin of human beings and to present it as "theory rather than fact." Critics had charged that textbook publishers were being forced to water down their treatment of evolution in books sold all over the country if they wanted to sell books in Texas. Texas spends about $65 million annually on textbooks, making it the fourth largest market in the country. All textbooks in the state must be approved by the board in a procedure similar to that in twenty-two other states, mostly in the south and southwest.

The repeal, taken reluctantly, came a month after the state's Attorney General, Jim Mattox, declared the requirement an unconstitutional intrusion of religion into state matters (see *Newsletter,* May 1984, p. 83). He indicated then that he would not defend the board against an expected lawsuit challenging the rule, and members of the board said they had no choice but to repeal it. The board had also come under considerable pressure from state political and business leaders.

The repeal came on a voice vote of the 27-member elected board with only one audible dissent. The panel then ananimously approved a new provision stating, without mentioning evolution, that "theories should be clearly distinguished from fact and presented in an objective educational manner."

"It was a proper reaction to the Attorney General's opinion," said the board chair, Joe Kelly Butler of Houston. "But I do not agree we were trying to put creationism into the books. The books are full of evolution, full of Darwin. All we were doing was being a referee between right and left."

The rule did not forbid the teaching of evolutionary theory or require any mention of creationism in texts. But books mentioning evolution were required to print a disclaimer identifying evolution "as only one of several explanations of the origins of mankind" and must "avoid limiting young people in their search for meanings of their human existence." The rule also compelled text writers to "ensure that the reference is clearly to a theory and not to a verified fact."

In his March ruling Attorney General Mattox said, "The inference is inescapable, from the narrowness of the requirement, that a concern for religious sensibilities rather than a dedication to scientific truth was the real motivation for the rules."

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Published by the ALA Intellectual Freedom Committee, Eric Moon, Chairperson.

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Newsletter on Intellectual Freedom is published bimonthly (Jan., March, May, July, Sept., Nov.) by the American Library Association, 50 E. Huron St., Chicago, Illinois 60611. Subscriptions: $15 per year from Subscription Department, American Library Association. Editorial mail should be addressed to the Office for Intellectual Freedom 50 E. Huron St., Chicago, Illinois 60611. Second class postage paid at Chicago, Illinois and at additional mailing offices. POSTMASTER: Send address changes to Newsletter on Intellectual Freedom, 50 E. Huron St., Chicago, Illinois 60611.

confidentiality of library records: the Iowa experience

The May 1984 issue of the Newsletter *(p. 91) reported that the Iowa state legislature had strengthened the Iowa law protecting the confidentiality of library circulation records, since the original statute had not proven adequate to protect borrowers from a probe by state investigators of a series of cattle mutilations (see also* Newsletter, *March 1983, p. 43; September 1983, p. 145). The following article, prepared by Mason City, Iowa, attorney Tom McSweeney and Elaine Graham Estes, Director of the Public Library of Des Moines, recounts the history of this conflict and the origin of the amended statute. The Iowa experience, like the experience in Oneonta, New York, reported by Gerald Shields (see* Newsletter, *May 1984, p. 61) should be useful to libraries seeking to protect reader confidentiality nationwide.*

As a result of the decision in *Brown* v. *Johnson,* the Iowa Legislature has passed a bill to better protect the confidentiality of library circulation records. The Governor of Iowa signed the new law on March 12, 1984. The facts in the *Brown* case are as follows: In November 1979, an agent of the Iowa Division of Criminal Investigation (DCI), who was investigating cattle mutilations in the state, visited the Public Library of Des Moines to determine whether certain circulation records were available for inspection. He was advised that the records were confidential by library policy. At the request of the DCI, the county attorney then applied for and was granted, pursuant to the Iowa Rules of Criminal Procedure, a subpoena *duces tecum* requiring the custodian of the library records to appear and present all the records of persons who had borrowed books described in the state's application. The application listed 16 call numbers dealing with witchcraft and related topics, and a total of 107 volumes were involved.

After the subpoena was served, Steven Brown, a library card holder, petitioned an Iowa trial court judge to enjoin the examination of the circulation records absent a showing of compelling state interest. He also requested a declaration that the disclosure of such records would be unconstitutional. The library board also sought an injunction, and later the two actions were consolidated. The library board was represented by Tom McSweeney, then an Assistant City Attorney for the City of Des Moines.

Section 68A.7 of the Iowa Code states that designated public records are to be "kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release information." Prior to the hearing in the district court, the section had been amended to include "(t)he records of a library, which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item from the library." The retroactivity of the amendment was not questioned in the district court.

At the hearing, the petitioners questioned the connection between a library patron checking out one of the books and the cattle mutilations, as well as the connection between the circulation records of the Des Moines library and the cattle mutilations, since the DCI had not indicated that the crimes had occurred in the Des Moines area. The justification for not limiting the time period of the records to the time the crimes occurred was also questioned. The petitioners claimed that the forced disclosure of the records would chill citizens' reading of unpopular or controversial books because others might learn of it and thereby invade their right of privacy. The privacy claim was based primarily on the the First and Fourteenth Ammendments to the United States Constitution, as well as the Fourth and Ninth Amendments. The Iowa Constitution was also relied on by Mr. Brown and the public library.

The district court denied the injunction and declaratory relief on the ground that there was no constitutional violation shown, and that section 68A.7(13) had no application to law enforcement officials seeking records pursuant to a subpoena. Both Brown and the library board appealed the district court order to the Iowa Supreme Court where the order was affirmed. That court held that the provisions of the Iowa Code governing the confidentiality of library records did not prevent the execution of the subpoena *duces tecum.* The court stated that "the county attorney's investigation power must be broad in order to adequately discharge his public responsibilities" and that the confidentiality statute was inapplicable by its terms when records are ordered by a court. The court rejected the appellants' claim of constitutional protection of the right of privacy. The court pointed out that constitutional privileges against forced disclosure are not absolute and, assuming that a library patron's privilege exists based on the right of privacy, it is only qualified. Although it was noted that no suspects were identified and that the search was not limited to any named library patrons, the court went on to hold that "the state's interest in well-founded criminal charges and the fair administration of criminal justice must override the claim of privilege here."

Brown and the library board sought a rehearing. When the rehearing was denied, they then petitioned the United States Supreme Court for a writ of *certiorari.*

The writ was denied.

In February, 1984, the Iowa Legislature overwhelmingly passed a bill amending section 68A.7(13) to provide that "library records shall be released to a criminal justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end, and that the need for the information is cogent and compelling." As mentioned above, the Governor of Iowa signed this legislation on March 12, 1984.

It should be noted that Elaine G. Estes, Director of the Public Library of Des Moines, has stated that the investigation of the library records has not been pursued by law enforcement officials after the ruling of the Iowa Supreme Court. The probable reason is that it would have been necessary for library personnel to search all the circulation records in order to identify the persons who had checked out the books in question. The records are on film until such time as overdue materials are cleared. There were over a million loans in 1979-80. According to Estes, the search of these records would require an unreasonably high expenditure of time and money. The Iowa Supreme Court, in its opinion, did state that "we do not, however, foreclose the possibility of obtaining some form of protective order in the future if the demand is in fact unduly burdensome."

good and bad news in Indiana library survey

A survey of Indiana libraries by the Indiana Library Association/Indiana Library Trustees Association Intellectual Freedom Committee produced mixed results, according to an unpublished report on the study prepared by committee chair John Swan. "We librarians continue to number ourselves among the censors," Swan wrote, "and for many the Library Bill of Rights is not an important part of the the professional conscience. . . . However, it is also clear that the majority do take the defense of the freedom to read seriously, and that many have displayed a good deal of wit and courage in maintaining that defense."

The survey was based on responses from 141, or 59 percent, of the state's public libraries. To the question "Does your library treat 'questionable' or challenged materials differently from other materials in the library in shelving and/or circulation policies?" 27.7 percent answered "yes." Those responding positively to this question were asked to describe the special treatment. Among the policies reported were: keeping "questionable" materials on a special shelf, in a closed office or behind the circulation desk and catalogued as "limited circulation;" labeling materials "not recommended for the conservative reader," "adult reading," or "adult circulation only;" and parental approval requirements. In addition, 39 percent of the respondents experienced patron complaints during the past two years and a total of 58 titles were reported challenged. Of the libraries responding, 65 percent said they have formally adopted materials selection policies.

high school censorship

A survey of five hundred high school newspaper editors discussed in the recently published *Freedom of the High School Press,* by Nicholas D. Kristof, revealed that more than half of the editors reported at least one instance of censorship in the previous three years. Only six percent, however, reported "repeated and continual censorship."

According to the survey, the final right of approval of articles and advertising was in the hands of students in only 14 percent, the administration in 18 percent, and faculty advisors in 62 percent of the responding publications. Among the items most censored: articles about sex and high school pregnancies, student opinion polls, criticism of the athletic department, articles about faculty or staff unions. The book is published by University Press of America.

study shows adults read more, children less

Despite the advent of video games, Walkmans, and personal computers, the percentage of adult book readers has remained constant since 1978, according to a national survey commissioned by the Book Industry Study Group and released in mid-April. Moreover, people who read books are reading more of them, book sales are up, and more Americans are visiting bookstores and libraries more often. The study updates a similar survey conducted by the same group six years ago.

According to the study, the average American spends 11.6 hours each week on all forms of reading compared with 16.3 hours watching television and 16.4 hours listening to the radio. Book readers average 25.7 hours a week reading, of which 11.6 hours are spent with books. Frequent book readers, who constitute about 35 percent of all people who read books, account for 75 percent of all books read and 55 percent of all money spent on books.

But this good news was offset by a reported decline of book reading among young people. "If this trend continues," a summary of the full report declared, "it may have serious consequences. This was an unexpected finding and the study did not seek to determine reasons for the decline in this age range."

The study confirmed that parental attitudes are often the major factor in determining juvenile attitudes toward books. "Over and over again, the same fact emerged: parents' attitudes toward reading have a profound effect on the number of books children read," the summary said. "Book reading is highest among children whose parents value reading for both the pleasure it affords and as a key to achievement. Children who read a great deal were regularly read to by their parents."

"I think the falloff in book reading by children is a tragedy," said Leo Albert, a vice president of Prentice-Hall and chair of the Book Industry Study Group. "It's especially alarming when you compare what's happening here to what's happening in Japan, or even Cuba or China, where most young people have developed the book reading habit." Reported in: *Atlanta Constitution,* April 13.

just the right words

Several months ago the Mead School District in eastern Washington state was the scene of a controversy over the book Vision Quest. *A public hearing attended by over a hundred people overwhelmingly supported the book's presence in school libraries and creative writing classes. One group which rose to the book's defense was the Young Adult Advisory Committee of the Spokane Public Library, which drafted the following statement forwarded to the* Newsletter *with great pleasure by Young Adult Services Coordinator Christy Tyson. Apparently some of the committee members had read the book and hated it, but they did not lose sight of the real issue.*

We are the members of the Young Adult Advisory Committee, formed to help the Spokane Public Library determine directions for its young adult services program. We represent a body of thirty volunteer library users, ranging in age from twelve to eighteen. We feel strongly that teenagers should be involved in choosing what we read, and that we are qualified judges of the materials we encounter. Because of this we are very concerned by the issue being considered and affirm the following statements:

1. Students have the right to learn about the real world. When books are withheld a false illusion of reality may be implanted in the student's mind. This could be severely detrimental, even more so than being offended by the book. If a book bothers one of us, we don't have to continue reading, but we do have to continue living.

2. Students can learn by being offended. When reading material offends a student, it may cause him or her to question and consider the values involved. This is a very positive learning experience. We should be taught to think about issues, not just accept them at face value. When only given inoffensive material, we receive an unbalanced perception of life. More learning is achieved when a broader, balanced slate of literature is presented.

3. Parents have responsibilities to help educate their own children. A parent should help a child learn through reading by encouraging them to read and discussing books with them. Parents can help guide their children in the materials they may read, but they don't have the right to choose what other students can and cannot read.

In conclusion we feel that the purpose of a library is to present all types of books, and allow students the freedom of choice. Each school has a broad range of students and it would be impossible to find one book that pleased everyone. To remove a book from a library on the basis that a few people object is a denial of everyone's individual liberties.

7-11 boycott begins

The National Federation for Decency, headed by the Rev. Donald Wildmon of Tupelo, Mississippi, has begun a nationwide boycott of 7-Eleven convenience stores which the group labels "the leading retailer of anti-Christian porno magazines in America."

In a letter to Dick Turchi, vice president of the chain's parent Southland Corporation, obtained by the *Newsletter,* Wildmon outlined the group's plans: "We are preparing . . . to mail 2.5 million pieces identifying 7-Eleven as the leading retailer of the anti-Christian porno magazines in America. These direct mail pieces will be keyed to the zip codes in areas served by 7-Eleven stores. . . . In addition, we plan to continue to feature 7-Eleven as the leading pornographer on the front page of our *NFD Journal,* now with a circulation of nearly 300,000, including approximately 170,000 pastors. Every two to three weeks we will lift up the 7-Eleven porno sales on our radio program "The Don Wildmon Report," aired on more than 200 stations.

"This summer we will have coordinated picketing of 7-Eleven stores across the country on a given day, announcing the picketing to the media and identifying 7-Eleven as the leading retailer of anti-Christian porno magazines in America. Our goal in this will be 75-100 cities. . . . 7-Eleven is our number one target."

in review

Defusing Censorship: The Librarian's Guide to Handling Censorship Conflicts. Frances M. Jones. Oryx Press. 1983. 229 p. $24.95, $18.50 pap.

As censorship threats increase, librarians are faced with finding solutions to increasingly complex situations. In her book, useful as a resource, Jones discusses issues surrounding censorship. There are four sections to the first half of the book: (1) A Brief History of Censorship (2) Censorship in School Libraries (3) Censorship In Public Libraries and (4) Coping With Conflict. The second half of the reader is devoted to appendices and sample policies. The revised *Intellectual Freedom Manual* (ALA, 1983) contains most of these documents and is a better resource for such information. The advice and guidelines for handling conflicts are quite valuable as is the brief plan for an inservice workshop for library clerical, paraprofessional, and professional staff.

Weaknesses of the book include its repetition of information readily found elsewhere and its omission of several key organizations active in fighting censorship. Examples are the Association for Educational Communications and Technology, People for the American Way, and the National Coalition Against Censorship. The section on school libraries is primarily devoted to court decisions, whereas the public library section is more varied and useful. Librarians who are interested in workshop planning may prefer to examine a soon-to-be published book on the subject, also by Oryx Press.

Strong points of the book are its readability, collation of information, practical guidelines for conflict resolution, and the discussion of internal library censorship.—*Reviewed by Janis H. Bruwelheide, Montana State University, Secondary Education and Foundations, Bozeman, Montana.*

Compelling Belief. Stephen Arons. McGraw Hill Book Company. 1983 228 p. $19.95.

This fascinating, infuriating book does not officially reveal the author's main argument until the last section. Arons considers enforced school attendance a violation of parents' and students' constitutional rights. However, it is easy to tell from his introductory descriptions of three kinds of school conflicts what his opinion is even before he states it.

He discusses censorship of school books, the problems faced by parents wanting home education for their children, and regulation of private schools, each from the perspective of how the inculcation of majoritarian cultural values impinges on the family's freedom to decide for itself what sort of values are worth having.

One of Arons' most disturbing suggestions is that insoluble conflicts will continue to arise as long as school attendance is, in effect, compulsory; since irreconciable value differences divide certain individuals and groups from the majority, or from the statist quasi-religious values that the majoritarian schools espouse. Only an end to compulsory attendance can make the schools less of a battlefield among various groups, each of which wants the school to support its values and no others. Arons believes, I think rightly, that no school experience can be "value-free." Society uses the schools to socialize children to values, but in a divided society it is impossible to decide what those values are.

The author warns that many will be uncomfortable with this concept. We are used to thinking, and want to think, that the free, universal public school is a bastion of democracy, not an impingement on freedom. Arons chooses to let his evident strong opinions about this question bias his presentation to the point where the reader must expend time and energy sorting out valid arguments, from the author's biases. For example, Arons claims to understand the reaction of education professionals faced with the challenge home educators present to their professionalism. But his quotations are from home educators only; Arons himself sets up the arguments of the educators.

The section on censorship is perhaps the slightest, focusing on one case in the Warsaw, Indiana, school system. This was a serious incident, involving the eventual resignation of several teachers. According to Arons, it was caused by the feeling of parents that schools did not reflect their values, and in a changing and confusing society those values were the only things they had to hold on to. Yet the presentation makes plain that a cause of the incident was the manipulation, for political reasons, of school board and parents alike by a locally powerful individual. While the censors are presented as merely misguided, the section resurrects the library literature cliche that anyone who selects is by definition a censor. A brief review is not the place to refight that battle; if you agree with Arons' statement you will find his argument in this section more convincing than if you do not.

The problem of families desiring home education is perhaps more troublesome for the advocate of public education; there seems little doubt that the authorities do overreact when home education is proposed. Arons' example is in Massachusetts. The parents in question were ultimately vindicated only after a court case was

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censorship dateline

libraries

Oakland, California

A parent's complaint about "explicit language" in Alice Walker's *The Color Purple,* winner of the 1982 Pulitzer Prize for Fiction, spurred the Oakland School Board to consider banning the book from district classrooms and libraries. Set in Georgia between the two world wars, the novel depicts a part of black southern life. It is written in the form of letters, many in black dialect, between two sisters separated for thirty years. As a child, one of the sisters was raped and abused by their stepfather.

The book was part of an assignment given to a 10th grade literature class at Far West High School in October, according to Donna Green, mother of one of the students. Along with copies of the book, the students were given letters to be signed by their parents if they objected to the novel's classroom use. Green said she was "offended by the book's subject matter and graphic material." She signed the letter but, she charged, too late because the most objectionable passages had already been discussed in her daughter's class.

Green complained to the school board, distributing at a board meeting excerpts from the book with the "more distasteful" passages underscored. The board decided that a special committee of district librarians should review the book and determine whether it will continue to be used in classes or even shelved in school libraries. Board member James Norwood said he thought the book "could" be banned, pending the review, but board member Darlene Lawson said she understood that it "will continue to be used, until the review is completed."

Initial responses from board members were mixed. Peggy Stinnet said she had read the "wonderful" book and could see no reason to ban it. "I think you can read things out of context," she said. "After all, most great books have something in them that could be considered distasteful. I think she [Walker] serves as a great role model for these students." But Lawson disagreed: "I don't care if it did win the Pulitzer," she said. "As a black person, I am offended by this book and we need to examine our policy on which books are allowed to be used. I don't want my children reading this kind of garbage." Reported in: *San Francisco Examiner,* May 3.

Covington, Louisiana

St. Tammany parish has become a minor hotbed of censorship challenges. In January, two books were removed from school libraries, but were returned to the shelves in April after librarians and teachers fought the ban (see page 121). In March and April, however, three other books were challenged in two separate incidents.

Lace, by Shirley Conran, a book on which a TV miniseries was based, was challenged in March by an unidentified woman as pornographic. The woman said she checked the book out of the public library after watching the TV series and found that while the program had been tastefully done, in the book "pornographic styling [was] unneccessary.

"I'm not a prude but enough is enough," she wrote. "If just one individual had enough moral standard [and] Christian ethics, maybe our country wouldn't be going the way of Sodom and Gomorrah."

Library Board of Control President Judy Wood said March 22 that a committee would be appointed to recommend to the board whether *Lace* meets the public library's selection criteria. She said if the book did not meet the criteria it would be removed, "but we do not ban books."

In April, a person complained about *The Suicide's Wife,* by David Madden, and *Daisy Canfield,* by Ben Haas. The complaint about *Daisy Canfield* said it had objectionable language throughout. *The Suicide's Wife* was described as "just too immorally written all the way through." Madden said he would sue the person who filed the complaint. The library board said these books will be evaluated by a committee and removed if they are found to be outside the library's selection criteria. Reported in: *New Orleans Times-Picayune,* March 24; *Lake Charles American Press,* April 29; *Baton Rouge Sunday Advocate,* April 29.

Ravenna, Nebraska

The Ravenna Superintendent of Schools in January asked the Buffalo County Bookmobile to discontinue a stop at the Ravenna schools because a book carried on the bookmobile was held to be inappropriate for a junior high school student. The specific title was not identified, but described only as an "adult western." The Kearney Public Library and Information Center, which operates the program, was asked to "ensure those kind of books would not be available to the students." The Bookmobile makes both school and general stops in Buffalo County. Kearney suggested that the school provide personnel to supervise student book selection, but the school rejected this as "censorship." Reported in: *Nebraska Library Commission Newsletter,* January/February 1984.

Glide, Oregon

More than fifty Harlequin romances donated by residents of the small logging and farming community of Glide have been threatened with removal from the high school library. School Superintendent Doyle McCaslin said a seven-member committee formed by the school board is investigating whether the books should remain on the shelves.

The action came after Pauline Forrester filed a complaint with the board. "Teenagers already have trouble with their emotions without being stimulated by poorly written books," Mrs. Forrester wrote. The complaint quoted from *Between Pride and Passion* by Flora Kidd: ". . . to enjoy more fully the ripples of sensuousness which were flowing [from the slow caress of his hands]." Mrs. Forrester, who has two children in the high school, said she had reviewed the book "in its entirety." Reported in: *Wilmington Morning Star,* January 16.

Sandy, Oregon

The Sandy Union High School book challenge advisory committee voted 5-3 April 12 to reconsider the status of *Changing Bodies, Changing Lives,* a sex education book available as a reference book restricted to one-night checkouts in the school library. R. Dale Edwards, pastor of the Sandy Assembly of God Church, prepared a written challenge to the book which asked the committee to consider removing it from the library due to "foul language and disregard for a wholesome balance about human sexuality." Edwards questioned the book's use of quotes from teenagers who use foul language. He said the book also promotes "disregard for authority figures." "I think some of his comments are irrelevant," said Patricia A. Amberg, an English teacher on the committee. "The purpose of the book is not to promote profanity, but factual information. To say it's obscene literature is irrelevant to what this book is."

Sandy Hill School librarian Jan P. Luelling, a member of the committee, said she ordered the book to fill gaps in the educational material available in the school's health textbook. Luelling said the book had not been checked out by any students before Sandy High School board member Daniel H. MacDonald did so for approximately two weeks in January. The book was checked out by a community resident on February 29 and not returned for nearly a month.

Committee member Dale D. Nichols said he thought it was important for all factions to be "totally willing to listen to other viewpoints," but, he added, "I have known people who would have been vastly better off if they had had access to this book." Committee member Clyde F. Sutherland said he was concerned with the lack of moral training the book provides. Reported in: *Portland Oregonian,* April 12, 13.

Knoxville, Tennessee

City School Board Chairman H. Kenneth "Red" Bailes vowed April 11 to have "filthy books" removed from Knoxville's public schools and picked John Steinbeck's *Of Mice and Men* as his first target. But another school board member defended the novel as "an excellent book" and school administrators rejected Bailes' demands. "We are by no means looking at this point at pulling any books off the shelf. To do anything like that would take action by the complete board," said John McCook on behalf of Superintendent James Newman.

Bailes said complaints from parents prompted him to demand that Holston High School remove *Of Mice and Men* from its library and stop using the book in classes. Bailes admitted he did not read the novel, but said, "It has a lot of vulgar language in it. They object to prayer in school and people giving religious talks in school and we're going to come along and put this vulgar stuff in the schools?" Reported in: *Atlanta Constitution,* April 13.

Vancouver, Washington

A Vancouver School District review committee decided unanimously March 23 that a book banned from Gaiser Junior High School will remain off library shelves there, but will not be restricted at the high school level. The three-member review committee heard testimony from nearly twenty people regarding the fate of *It's OK If You Don't Love Me,* by Norma Klein. A Learning Resources Committee had voted 6-1 to remove the book from district bookshelves in February after a Vancouver couple, Antoinette and Gary F. Schonberger, filed a written complaint objecting to its

sexual passages.

Most of those who testified before the review committee said they believed the first committee erred. Among those testifying at a public hearing in support of the book were Gordon M. Conable, associate director of community services for the Fort Vancouver Regional Library, who lead the appeal effort, and the novel's author, Norma Klein.

The review committee was composed of Judy M. Price, administrative assistant for special services; Frederic S. Swanstrom, assistant superintendent for administrative and personnel services; and James A. Tangeman, administrative assistant for curriculum, instruction and special programs. The decision to partially uphold the ban was made at a closed session, prompting a protest from the *Columbian* newspaper, which charged such a session violated the state open meetings law.

Informed of the committee ruling, Mrs. Schonberger said she was relieved that the book would still not be available in the junior high schools, but added that "it's inappropriate for any school library." Reported in: *Portland Oregonian,* March 25; *Columbian,* March 25.

schools

Bakersfield, California

Three southern California authors who write books for teenagers did not attend an April reading fair in Bakersfield because of what they charged is censorship in the city's schools. Anne Snyder, author of over a dozen books for children and young adults was disinvited from participation in the Kern Reading Association (KRA) Young Authors Fair on April 6 and 7 after she protested the censorship of several of her books due to language by KRA officials. Another author, Marianna Dengler, who protested the censorship, discovered that one of her books had also been judged unacceptable and withdrew from participation in protest and a third writer, Sonia Levitin, decided, after talking with her two colleagues, that "I was not going to take part in any program where censorship was going to take place."

Snyder charged that she had been dismissed from the fair, to which she had been invited in June, 1983, in March after she protested the withholding of some of her books because they used such words as hell, damn and butt. Dengler heard about the dismissal and decided to withdraw from the program herself, only to discover that her book, *A Pebble in Newcomb's Pond* had been judged unacceptable at the Thompson Junior High School in Bakersfield where the fair was to be held and would not be in the school library or available to students.

In a statement released to the Media Coalition, Snyder wrote: "All of us, writers, parents, educators, need to ask WHO is doing the censoring. Censorship is born of the fear of change and the belief that the free flow of ideas can corrupt our youth. This is not a new concept; we have all seen its devastating result in our lifetime. Unfortunately, the well-intentioned people who employ censorship are the ones who are vocal and forceful. Not so, the free-thinking others, who by their passivity give sanction to autocratic control. By not speaking out, they allow the freedom to write and the freedom to read to be suppressed, the First Amendment rights to be abridged. THIS IS WHAT IS *MOST* DANGEROUS TO A FREE SOCIETY!" Reported in: *Bakersfield Californian,* April 4.

Waukegan, Illinois

A Waukegan alderman has called for the removal of five classic novels from the school curriculum on the grounds that they use the word "nigger." Ald. Robert B. Evans Sr. appeared before the Waukegan Board of Education in early May to ask that *The Adventures of Huckleberry Finn,* by Mark Twain, *Gone With the Wind,* by Margaret Mitchell, *Uncle Tom's Cabin,* by Harriet Beecher Stowe, *The Nigger of the Narcissus,* by Joseph Conrad, and *To Kill a Mockingbird,* by Harper Lee, be dropped as required reading.

"I object to the use of the word 'nigger,' period," Evans said. "There are no books in the district that are required reading that talk about 'honkies,' 'dagos,' 'spics,' 'polacks' or 'Hymies.' Just like people of those nationalities are offended by use of those words, black folks are offended by use of the word 'nigger.'" Although one in four schoolchildren in Waukegan is black, the school board is all white. Evans is the city's only black elected official.

A committee to review instructional materials will consider Evans' complaint. But Associate Superintendent Barbara Nunney pointed out that of the five books, only *Huckleberry Finn* is in fact required reading, although *To Kill a Mockingbird* may be taught to juniors if the teacher chooses. Reported in: *Chicago Sun-Times,* May 8.

Baton Rouge, Louisiana

The body which considers which textbooks may be used in Louisiana schools delayed action on the selection of two books April 18 after hearing complaints that, among other things, they encourage students to question parental authority. The Textbook and Media Advisory Council recommended approval of most of the books selected by textbook review teams, but, after

hearing protests from four parents, the council asked the Board of Elementary and Secondary Education not to act on a career education book and a series of guidance books for 5th through 8th graders. The council voted to reconsider those items in late May.

The career education book, *Exploring Career Decision-Making,* tells students that "there are no 'right' solutions to any situations," parent and Eagle Forum leader Kay Reiboldt of Shreveport told the council. One of the books in the guidance series—*The Survival Series* by Children's Press—asks students what they would do if parents ordered them to stop seeing a friend who was considered a "bad influence." "I highly resent someone suggesting that there is some sort of alternative to children obeying their parents," Reiboldt said.

Another book in the series includes a cartoon-like drawing of a mother seated in a chair. "Her entire thighs are exposed," parent Vicki Jennings of Lake Charles told the council. The books oppose authoritarian home environments, Jennings complained, and say children should begin to learn the principles of democracy in the home. "A family is not a democracy," she said, claiming that she wants her children subjected to authoritarian learning in both the home and at school. Hazel Anderson, a New Orleans mother, objected that the books encourage peer relationships and indicate that some good can be gained from peer groups. "Peer dependency is the social cancer of our time," she said.

The council formed a subcommittee to investigate whether the books were selected for consideration in accordance with state guidelines. "We're not striking a book, and we are not burning them," council chair M. C. Perry explained. "This is simply the first time we've done this—pull a book to take a closer look." According to Perry, the panel cannot disapprove any book simply because the members personally do not agree with its contents. Reported in: *Baton Rouge Morning Advocate,* April 19; *Shreveport Journal,* April 19; *Shreveport Times,* April 20.

Independence, Missouri

A family relations course at William Chrisman High School in Independence, taught by Linda Deupree, has come under attack from parents, a local radio station, the Pro-Family Forum and a candidate for the U.S. Congress. In January, the parent of a ninth grader protested at a school board meeting that Deupree had a copy of the controversial feminist health manual, *Our Bodies, Ourselves,* on the bookshelf in her classroom. At a later board meeting, another parent whose child isn't taking the family relations course raised objections to the class itself.

A group of parents associated with the Pro-Family Forum and led by former state representative and Republican congressional candidate Mike Ethington, whose daughter is a student at the high school, filed a formal complaint against the course and three books: *Our Bodies, Ourselves,* and *Everything You Always Wanted to Know About Sex, But Were Afraid to Ask,* by David Reuben, which are Deupree's personal property, and *Changing Bodies, Changing Lives,* which the district purchased. Ethington said the group seeks an admission by school officials that the books are "filthy;" an assurance that these or similar materials will not be used in the future; and greater parental involvement in reviewing curriculum, resource materials and outside speakers. Several parents say they want family relations out of the curriculum so their children won't be exposed to people who are taking it.

Deupree said that none of those objecting to the course have contacted her directly and that the attacks have all come from people whose children don't take family relations. "Bring me one parent—past or present—whose child has taken the class and let me hear the complaints," she said. According to school officials, more than 350 students take the 18-week course, which covers family communication, child abuse, suicide, marriage contracts and includes a two-week segment on human sexuality. Several years ago, Independence teachers negotiated an academic freedom policy allowing teachers to examine ideas with their students while maintaining sensitivity to community values. Reported in: *Kansas City Star,* March 12; *NEA Monthly,* May 1984.

Randolph Township, New Jersey

Use of the textbook *Health,* by John La Place, in Randolph High School health classes has been challenged by a group of parents and clergy who say the textbook is too liberal and should be replaced or supplemented by a more "traditional" book. In a special meeting with school board members who have supported the book, attended by sixty parents and teachers, seven parents who object to the text gave arguments attacking references to the role of parents, Judeo-Christian teaching, premarital sex, homosexuality, drugs and abortion.

The Rev. William Stiemann, of Birchwood Heights Chapel, denounced a passage that read, "Most young people have intercourse in a relationship of mutual commitment—often with the person they intend to marry."

"A meaningful commitment is not the norm for premarital sex," Stiemann said. "The fact of the matter is that it is not a long-term commitment but something that is temporary which they come to regret."

Speaking for coordinators of the course, Katie Wauters, a health teacher at the high school, said instructors present all points of view in their classes, regardless of what is in the textbook. "The family life program has been in effect in Randolph for at least twenty years," she said. "In all this time, there have been no charges of bias or complaints." Since the course was introduced, about twenty students have opted not to take the class, which Wauters said was less than half a percent of all the students who have enrolled in it. Reported in: *Northwest N.J. Daily Record,* February 17.

Oak Hills, Ohio

The textbook *Understanding Health* has been the subject of extended controversy in Oak Hills, a Cincinnati suburb. For the past year, the Oak Hills Board of Education has been trying to vote on whether to adopt the book as a text for a state-required ninth-grade health class. State law requires the district to adopt a text for the class, which has been without one for over a year. Two district committees have approved the book, which is widely used in Ohio, but the board, which originally intended to vote on the matter in April 1983, has suspended judgment, due to protests from groups which called the text "anti-Christian" and "pro-abortion." Reported in: *Cincinnati Post,* April 20.

Molalla, Oregon

The Molalla Union High School Board of Directors received a petition in April from about two hundred parents and residents calling for the resignation of a teacher who invited a representative of Indian guru Bhagwan Shree Rajneesh to speak to his students. The board did not act on the petition, which called for the resignation of social studies teacher Dean Wilson in response to the early March appearance in his global studies class of Ma Prem Isabel, a follower of Rajneesh. Wilson invited several speakers knowledgeable about Asian cultures to talk to the class, which was studying comparative religions and current events.

The board meeting was heated, with about half the crowd of 75 people supporting Wilson's removal and half defending him. The Molalla High School Teachers Association read a statement supporting Wilson, but Jay Allan DeFabio received considerable applause when he said, "I do not want my kids subjected to these people in any form. If I have to take my kids out of school, I will."

"Not one student was required to hear the speaker. Students could go to the library," Wilson responded. "I really feel the basic problem here is fear." Reported in: *Eugene Register-Guard,* April 15.

Bradford, Vermont

Despite the protests of angry parents and students, the Oxbow School Board refused to authorize the replacement of posters of Karl Marx and Vladimir Lenin on a classroom wall. Principal Donald Banchik removed the posters from history teacher Bruce MacLean's classroom in early April after two board members told him they were concerned about them. MacLean teaches a course in Soviet history. One of the two board members later apologized to MacLean. Although board members deplored the removal of the posters as "a rash action . . . handled in an improper manner," the board authorized only a "complete and full investigation of the matter" by Superintendent Robert Marquis, who was authorized to take "corrective action" and report back.

"I think the board clearly got our message, although they didn't act on it," said English teacher William Vargas, chair of the Oxbow Teachers' Association, who read a letter of complaint from the group to the board. Oxbow students also objected to the removal: "Mr. MacLean has had those posters up for years," said senior Nancy Larson, "and no kid's turned communist yet." "If those posters are propaganda for turning communist, then a poster for *Romeo and Juliet* would be propaganda for committing suicide," said sophomore Clayton Blair. A third student pointed out that although the images of Marx and Lenin were down, a poster of Brezhnev remained, along with a copy of the U.S. Constitution. Reported in: *Lebanon (N.H.) Valley News,* April 20.

student press

Willmington, Delaware

The *Whittier Miscellany,* the 100-year-old student newspaper at the Wilmington Friends School, has published surveys of student drug use, editorials supporting nuclear disarmament and articles on the resignation of a black teacher. But when an article was planned for the April issue on a contract dispute between Lower School principal Max M. Harrell and the board of trustees, officials drew the line. Upper School principal William P. Bickley said he censored the article because he did not believe that personnel disputes belonged in the student newspaper.

But Sean Yule, editor of the paper and author of the article, disagreed. "I think students and parents of Friends School should be aware of what's going on. I think there are a lot of broader issues arising as a result of this." One such issue, of course, is freedom of the press. Public school student newspapers are protected by the First Amendment, but Friends is a private institution and owns the *Whittier Miscellany.* School officials

believe they can decide the paper's content.

"I think we've always been known as a newspaper that dealt with important issues," Yule said. "But I think the administration feels important issues are all right as long as they're not too close to the school. We don't have First Amendment rights, but the atmosphere has always been that we enjoy them." Reported in: *Philadelphia Inquirer,* April 21.

colleges and universities

Davis, California

A class project for a course called "Images of Women in Popular Culture" has led to a drive by University of California, Davis, students to remove adult magazines like *Playboy* and *Playgirl* from the campus store. The campaign collected about six hundred student signatures, about a third from men, on a petition to ban the magazines. The petition urges that The Corral, the student store portion of the campus bookstore, not profit "from the exploitation of human sexuality."

Playboy is The Corral's best-selling magazine, and four of the five magazines to which the students object are among the store's top five sellers. In addition to *Playboy* and *Playgirl,* the students objected to *Oui, Penthouse* and *Players.* Merline Williams, the lecturer who taught the course, said there were lively arguments about the issue during the three-day project, but no incidents.

"This has gone beyond our expectations," said Helen Redmond, a student who participated in the drive. "We've educated ourselves and a lot of other people on the issue, and now we have to decide whether we want to hold a forum on the issue or put a referendum on the ballot for the next student association election." Redmond said the magazines are objectionable "because they perpetuate violent images against women."

Pat Lattore, assistant vice chancellor for student affairs who oversees the student store, said the decision to sell the magazines was based on national campus norms and economics. Lattore said he supported the students' efforts to raise campus awareness of the issue. He added that their "greatest weapon" in getting the magazines out would be an "economic boycott" to eliminate the demand. Reported in: *Sacramento Bee,* March 15.

Arlington Heights, Illinois

In what officials called a misunderstanding rather than a case of censorship, *Playboy* and *Penthouse* magazines were yanked off the shelves of the student bookstore at Oakton Community College for one day in early April. Interim college president James Koeller said the magazines were removed from the store on April 4 by an overzealous bookstore manager reacting to "community concerns." When Koeller learned of the removal, he ordered the publications replaced.

"As close as I can tell, she misread what some members of the community had been saying," Koeller explained. "I asked her if anyone told her to remove the magazines and she said no. I think what we've got here is a bookstore manager who has overreacted. I just know that we don't censor things at Oakton."

But despite these assurances, some faculty members were skeptical. Last month, former president William Koehnline was pressured by the college trustees into retiring early. He had been criticized by board members as "too liberal" and many faculty feared the college would become more restrictive. "We're concerned about this type of thing," one instructor said. "We hope this [the magazine removals] is not the next step." Reported in: *Arlington Heights Herald,* April 7.

College Park, Maryland

About thirty protesters marched across the University of Maryland campus to the student newspaper office to protest the publication of an alleged "soft porn" advertising supplement. After entering the newsroom of the *Diamondback* May 2, the group of mostly women students presented editor-in-chief Carl Graziano with a list of demands that included refusing ads for X-rated movies. The group also demanded that the newspaper not display female or male bodies as sexual objects and that an advisory board be formed to screen potentially racist or sexist material.

The newspaper's April 24 fashion supplement sparked controversy because it contained photos of female students in revealing swimsuits. "I don't think it was sexist," said Gary Gately, who was editor of the *Diamondback* when the supplement appeared. "No editor at the *Diamondback* has ever used a picture to display a male or female as a sexual object. That's absurd." Others, however, disagreed. "I though it was tasteless," said Laurie Jones, a former editor. Reported in: *Baltimore Sun,* May 3.

Amherst, Massachusetts

Claiming pornographic magazines promote violence toward women, several women's groups have asked the University of Massachusetts bookstore to quit selling *Playboy, Playgirl* and *Penthouse.* The groups, which have the support of the Undergraduate Student Senate, initiated a boycott of the University Store and two private stores in Amherst Center. The Student Senate voted in mid-April to urge removal of the magazines. If the university refuses, the senate agreed to put the ques-

tion to a referendum of the 20,000 students on campus next semester. But the Board of Governors, students who advise the administration on the management of the Campus Center, refused to urge the magazine's removal. Reported in: *Boston Globe,* April 22.

periodicals

Philadelphia, Pennsylvania

Advertising for *Penthouse* magazine will no longer appear on Philadelphia bus stop shelters, after complaints from women's groups that the ads were pornographic and dangerous to women, a city official announced May 4. "We got complaints here in the office at SEPTA [South East Pennsylvania Transit Authority], the mayor's office got complaints—it was sort of a crescendo of complaints," said Chris Zearfoss, chief of transit operations for the city Public Property Department.

The city contracts with a private company which installed the bus shelters and sells ads to maintain them. Zearfoss said the Public Property Department wrote to the company saying that the city would rather not have *Penthouse* ads on the shelters. He said company officials agreed to the request orally.

Penthouse had purchased advertising space on about 25 of the city's 260 bus shelters in April. The ads featured a nearly nude woman, five feet high, on the shelter wall. Protesters charged that subway stations and bus stops were "places of apprehension and fear for most women" and that the ads might encourage violence against or harassment of women. The City Council passed a resolution April 12 condemning the ads. Reported in: *Philadelphia Inquirer,* May 5.

Memphis, Tennessee

Distribution of the monthly gay newspaper, *Gaze,* was disrupted for two weeks last fall when the printer contracted to print the newspaper refused to do so, charging that the November issue "goes against our political beliefs," according to a representative of Mississippi's *Kosciusko Star-Herald, Gaze's* printing company. The *Star-Herald* finally printed *Gaze* under threat of a lawsuit for breach of contract by *Gaze's* owners. Reported in: *Equal Time,* January 11.

mural

Los Angeles, California

A controversy surrounding an East Los Angeles mural—denounced by anti-Castro Cuban expatriates because it features the face of Che Guevara—culminated in early May with vandalism of the painting at the Estrada Courts housing project, home of some fifty Latino wall paintings. The mural was defaced after the Los Angeles Housing Authority declared its intent to leave the artwork intact.

Painted in memory of Guevara, the Latin American guerrilla leader and revolutionary killed in Bolivia in 1967, "We Are Not a Minority" was completed by Peruvian-born artist Mario Acevedo Torero in 1978. The recent vandalism marks the second attempt to destroy the mural. Black paint was thrown on it in October 1983, according to Charles Felix, director of the Estrada Courts mural project.

According to Housing Authority officials, the controversy began last September when Abel Perez, editor and publisher of the anti-Communist *20 de Mayo* Spanish-language newspaper, objected to the mural as a "propaganda tool" which "idolizes Guevara." Before its decision to leave the work intact, the Housing Authority conducted a survey of residents, none of whom objected to it. The authority asked Torero to replace or modify the work, but he refused, officials acknowledged.

While denying specific knowledge of the vandals' identity, Perez applauded the action: "It was indignant Cubans who erased it so that the offense to the Cuban community and human civilization would not continue," he said. "And I will continue to support Cubans who denigrate such a detestable thing."

Shifra M. Goldman, an art historian and research associate for the Latin American Center at UCLA, said the defacement "flies in the face of the democracy that they [Cubans] claim they came to the United States for. You can't tell the Chicano community what it can have on its walls. It's their mural and they want it there," she said. Max Benavidez, project director of the California Chicano Mural Documentation Project, said, "Murals can be very controversial, dealing with issues that sometimes people don't want to deal with, and because they're so large, it's hard for people not to deal with them. The image of Che made people uncomfortable, and that's what murals are about."

Wall paintings are a traditional and much-admired mode of expression in Mexican and Mexican-American art, but, unfortunately, there is also a tradition of their destruction for political reasons. In the 1930s, the famous Mexican artist Diego Rivera was commissioned to create a mural at Rockefeller Center in New York, but the completed work was destroyed by orders of the Rockefeller family—noted patrons of the arts—when Rivera refused to paint over the face of Lenin in the ensemble. In 1932, a downtown Los Angeles mural by David Alfaro Siqueiros was whitewashed when civic authorities objected to its content. Reported in: *Los Angeles Times,* May 16.

film

New York, N.Y.

In a move that caught much of the adult film industry by surprise, the *New York Post* banned all advertising for adult films, as well as burlesque houses, topless bars and short-flight (or "hot sheet") motels. Besides the ban on display ads, the *Post* announced it would no longer accept any classified ads for abortion clinics. *Post* associate publisher Leon Hertz said the decision to refuse certain types of ads was made as a "consensus at an upper management level."

The new policy went into effect March 12. Within two days a half-page of assorted ads for adult films, burlesque theaters and motels appeared in the *Daily News.* In recent years, the *News* had run virtually no adult-themed ads. In the late 1970s, the *Post* did not follow the policy leadership of the *New York Times* in banning display ads for X-rated motion pictures. Reported in: *Variety,* March 28.

theatre

Washington, D.C.

In 1865, John Wilkes Booth assassinated President Abraham Lincoln at Ford's Theater in Washington. In 1984, a play about that event, *Booth,* by Chris Dickerson, was banned from the historic playhouse. The show, a half-hour condensation of Dickerson's one-actor dramatization of the assassin's tormented life, was to have been presented four times daily at Ford's as part of special ceremonies commemorating the anniversary of the assassination.

According to the National Park Service, which operates the theater as a historic site, the show was canceled after officials decided it tended to "glorify" Booth's memory. "That's the most ludicrous thing I've ever heard in my life," said the outraged playwright. "I'd like to know what changed about the script between last November [when Park Service officials first agreed to schedule the show] and April 2—did a magic wand pass over it, or what?"

"From the beginning, we felt that it was a good script," Park Service representative Sandra Alley said. "But we felt, overall, that there was too much emphasis on Booth the assassin, and not enough emphasis on Lincoln the president." Sources close to the negotiations said the Park Service changed its direction after receiving an irate telephone call from Ford's Theatre Society Executive Director Frankie Hewitt. "I feel very strongly that John Wilkes Booth was not a hero," Ms. Hewitt said, "and John Wilkes Booth does not belong as a one-man show in Ford's Theatre. It would be almost a sacrilege, making a hero out of him."

"That's exactly what I thought they'd say," Dickerson responded. "If this is how they think, then let's rewrite the history books, to say that nothing unpleasant in our American history has ever happened. You know, if that's going to be the attitude that we're going to take in the theater, then by all means—let's say that everything is lollipops and roses!

"They've completely missed the point: That by doing a show like this, we are not glorifying this particular person; we are attempting to understand what made this person who and what he was in his time. And only by understanding such figures of the past, can we protect ourselves in the future." Reported in: *Washington Times,* April 10.

etc.

Washington, D.C.

A United States Army public relations packet commemorating the 40th anniversary of the D-Day landing at Normandy deleted a reference by Gen. Dwight D. Eisenhower to "our great Russian allies," an army representative said May 15. Gen. Eisenhower, later to become president, was the commander of the allied forces in Europe in World War II. In a radio broadcast announcing that U.S., British, French, Canadian and Polish troops had landed on five German-occupied French beaches, opening up a second major front he said, "The landing is part of the concerted United Nations plan for the liberation of Europe in cooperation with our great Russian allies." Maj. Bruce Bell, who wrote the anniversary news release, said he made the deletion to avoid confusion, not rewrite history. Reported in: *New York Times,* May 16.

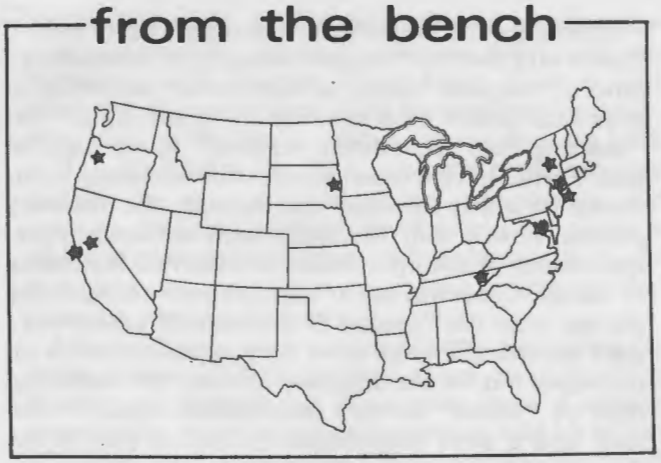
foreign

Brasilia, Brazil

The military-backed government banned a record by pop singer Neusinha Brizola based on the controversial theme of direct elections for the country's next president, it was announced March 23. The song is "Diretchas,"a word taken from the Portuguese term for "direct elections." Millions of Brazilians have been demonstrating for immediate elections for a successor to President Gen. Joao Figueiredo, whose term ends next year and who says the next president must be chosen "indirectly." Reported in: *Philadelphia Inquirer,* March 24.

(Continued on page 124)

from the bench



U.S. Supreme Court

Resolving an important issue in libel law, the Supreme Court ruled April 30 that the First Amendment's guarantee of freedom of the press required appellate courts to conduct especially careful reviews of libel judgments. In particular, the court said appellate judges must examine carefully any finding that a false published statement was made with "actual malice." That finding is required before a news organization or publisher can lose a libel suit brought by a public figure. The First Amendment rights at stake are so important, the court resolved, that appeals courts should not be subject to the usual requirement that they accept almost all findings of fact by judges and juries.

The 6-3 decision in *Bose Corp.* v. *Consumers Union of U.S., Inc.* gives news organizations and individuals sued for libel a potent weapon against the record number of million dollar judgments in cases brought recently by public figures. Media defense lawyers have grown increasingly dependent on the appeals procedure to reverse these judgments, which they do 70 percent of the time. The Supreme Court had not ruled in favor of the press in a major libel case in over a decade.

The decision is an important supplement to the court's 1964 landmark libel ruling in *New York Times* v. *Sullivan.* That case said that under the First Amendment public figures cannot win in libel cases unless they can prove that a false statement about them was made with "actual malice"—with knowledge that it was false or with reckless disregard of whether it was true or false.

The Bose case began with a critical review of a new stereo speaker system published by the magazine *Consumer Reports* in 1970. The manufacturer, Bose Corp., sued for "product defamation" and a trial judge found the review to contain statements made with "actual malice." The U.S. Court of Appeals for the First Circuit reversed the ruling. The question before the Supreme Court was whether the appeals body went beyond its authority in making that determination. Attorneys for Bose argued that the "actual malice" finding was a question of fact beyond the scope of the appeals court's power.

Writing for the majority, Justice John Paul Stevens said some factual findings have "constitutional significance" require a more sweeping "independent review" by an appeals court. The determination by a lower court that "actual malice" is present in a libel case is one of those special circumstances, he said. Its constitutional significance stems from the fact that once actual malice is found, published statements lose their First Amendment protection.

The protection of the First Amendment is "not merely a question" for a trial judge or jury. The "requirement of independent appellate review," Stevens wrote, "reflects a deeply held conviction that judges—and particularly members of this Court—must exercise such review in order to preserve the precious liberties established and ordained by the Constitution."

Justice William H. Rehnquist, joined by Justice Sandra Day O'Connor, dissented. Rehnquist called the "actual malice" determination a "pure question of fact." Justice Byron R. White wrote a one paragraph dissent. Chief Justice Warren E. Burger concurred only in the result of the case, but did not join Stevens' opinion.

At issue in the case was a statement in the review that sound from speakers seemed to "wander about the room." Based on testimony from a Consumers Union engineer, the trial court had concluded that the sound wandered not "about the room" but "along the wall" and that the authors knew this. "The statement in this case," Stevens concluded, "represents the sort of inaccuracy that is commonplace in the forum of robust debate. The difference between hearing violin sounds move around the room and hearing them wander back and forth fits easily within the breathing space that gives life to the First Amendment."

The new decree means that "constitutional considerations are going to continue to pervade libel litigation," said Washington libel lawyer Bruce W. Sanford. Floyd Abrams, prominent New York First Amendment attorney, called the decision "the most significant libel ruling of the decade." Reported in: *Washington Post,* May 1; *New York Times,* May 1.

On May 15, the Supreme Court ruled that cities trying to combat "visual clutter" may ban posting of signs, including political posters, on public property. The Los Angeles ordinance at issue was as broad a ban on a means of communication as any upheld by the court. In

a 6-3 vote, the justices said such bans do not violate the First Amendment's free speech protections.

The Los Angeles law at issue in *Members of the City Council of Los Angeles, et al.* v. *Taxpayers for Vincent, et al.* prohibits posting signs on public property, including lampposts, utility poles, trees, bridges and traffic signs. A group supporting Roland Vincent's candidacy for city council in 1979 challenged the statute after campaign posters it had affixed to utility poles were removed. The U.S. Court of Appeals for the Ninth Circuit struck down the law as a violation of the First Amendment. The justices reversed that decision.

Noting that the Los Angeles ordinance applies to all signs, regardless of viewpoint, and, without going further, attacks precisely the problem the city sought to cure, Justice John Paul Stevens, writing for the majority, concluded: The "substantive evil—visual blight—is not merely a possible by-product" of the sign posting "but is created by the medium of expression itself. . . . Lampposts can of course be used as signposts, but the mere fact that government property can be used as a vehicle for communication does not mean that the Constitution requires such uses to be permitted."

Justices William J. Brennan Jr., Thurgood Marshall and Harry A. Blackmun dissented. Brennan said the ruling "reflects a startling insensitivity to the principles embodied in the First Amendment. . . . there is no indication that the city has addressed its visual clutter problem in any way other than by prohibiting the posting of signs—throughout the city and without regard to the density of their presence. In cases like this, where a total ban is imposed on a particularly valuable method of communication, a court should require the government to provide tangible proof of its aesthetic objective," he wrote. Reported in: *Washington Post,* May 16.

In a first-of-its-kind decision, the Supreme Court ruled May 21 that in some circumstances judges may bar the press from publishing certain information. In a unanimous ruling, the court said a judge in Washington state acted properly when he ordered newspapers not to publish material they had obtained during pretrial discovery proceedings in a libel suit against them.

The decision in *Seattle Times Co.* v. *Rhinehart* approved a form of prior restraint on the press, something the court has repeatedly rejected as a violation of First Amendment free press guarantees. The ruling applies, however, only in narrow circumstances, where the press is a party in a civil suit and obtains information through the discovery process. In this situaiton, said Justice Lewis F. Powell Jr., writing for the court, trial judges have "substantial latitude" to protect the privacy of other litigants. Some First Amendment lawyers suggested that the ruling foreshadowed an increase in "gag orders" barring lawyers and other participants in civil or criminal cases from speaking with reporters.

Upholding the Washington Supreme Court, Justice Powell said that the " unique character of the discovery process" requires judges to have broad discretion to issue such orders on a showing of "good cause." No "exacting First Amendment scrutiny" is required, he said. Parties in civil cases are allowed vast access to information about the other side through the discovery process, Powell said. The courts need authority to prevent abuses of the information so received. According to the court, this was not a "classic" prior restraint and did not raise the "specter of government censorship" since newspapers would never have had access to the information but for the discovery process. No traditional right of "access" to such information exists, Powell said, and a news organization is free to publish the material if it is obtained elsewhere.

Justice William J. Brennan, Jr., joined by Justice Thurgood Marshall, concurred in the opinion but wrote separately, explaining that the ruling "recognizes that pretrial protective orders, designed to limit the dissemination of information gained through the civil discovery process, are subject to scrutiny under the First Amendment.

In another case affecting access to the judicial system, the court ruled unanimously May 21 that pretrial proceedings in criminal cases should not generally be closed to the public when the defendant wants them open. The ruling, one in a series over the past few years opening up criminal proceedings, cast further doubt on the court's controversial 1979 decision in *Gannett Co.* v. *DePasquale* allowing closure of some pretrial hearings.

The case, *Waller* v. *Georgia,* stemmed from a decision by a Georgia judge to keep the press and public out of a hearing on the admissibility of wiretap evidence in a state gambling case, even though the defendant wanted an open hearing. Writing for the court, Powell said such suppression hearings are often as important to the criminal justice system as the trial. In addition, such hearings frequently attack "the conduct of police and prosecutor. . . . The public in general has a strong interest in exposing substantial allegations of police misconduct to the salutary effects of public scrutiny." Reported in: *Washington Post,* May 22.

schools

Church Hill, Tennessee

Eleven fundamentalist Hawkins County families who had their lawsuit against the Hawkins County school system over the use of a series of textbooks, the *Holt Basic Readings,* dismissed March 15, filed a notice of appeal April 9 to the U.S. Court of Appeals for the Sixth Circuit in Cincinnati. The parents originally filed

suit in December, saying the textbooks taught values contrary to their personal religious beliefs. In late February, U.S. District Court Judge Thomas Hull dismissed all but one part of the lawsuit (see *Newsletter,* May 1984, p. 79; March 1984, p. 40 and January 1984, p. 11). On March 15, Hull ruled the readers do not violate the constitutional rights of parents and students. He said the allegation of religious concepts in violation of the group's views had not been proven, and that there was nothing in the books to indicate that salvation was not necessary.

Michael Farris, attorney for Citizens Organized for Better Schools (COBS), the local group, and Concerned Women of America, a Washington-based Christian organization which supports the parents, said his appeal of *Mozert, et al.* v. *Hawkins County Public Schools* will argue that Judge Hull "misapplied" the ruling handed down in the Kanawha, West Virginia, case several years ago. Farris also said work is proceeding on a false arrest suit to be filed in the county on behalf of Vicki Frost, founder of COBS, who was arrested while removing her daughter from a reading class which used the disputed reading series. The charges were later dropped by a judge who ruled that Tennessee's law on improper presence on school grounds exempts parents. Reported in: *Kingsport Times,* March 20, April 11; *Greeneville Sun,* March 14, April 11; *Johnson City Press-Chronicle,* March 16, April 11.

political expression

Livermore, California

In a significant victory for anti-nuclear forces, a California appeals court has ruled that the University of California's Lawrence Livermore Laboratory must permit those who oppose the work of the facility to display anti-nuclear literature and posters and show slides at the laboratory's visitor center. Affirming an Alameda County Superior Court ruling, a split three-judge panel of the First District Court of Appeal in San Francisco said April 27 that the right to access to the visior center is protected under the free speech guarantee of the California constitution.

The U. C. Nuclear Weapons Labs Conversions Project, an organization that opposes the work of the Lawrence Livermore Laboratory in in the area of developing nuclear weapons and nuclear power, sued after permission to place literature and to give periodic slide shows in the visitor center was denied in 1979. Officials had offered instead to allow the project to distribute literature in the parking area adjacent to the center.

Writing for the majority, Presiding Judge Clinton White noted that since the center's purpose is to inform the public about the laboratory's work, it is difficult to see how dissemination of literature critical of the government's nuclear policy could interfere with that purpose. The court said it is "critically important for a government facility whose primary purpose is to describe and explain government activity or policy to accommodate a meaningful exchange of views by the public."

"Clearly the policies and decisions about the type of work done at the laboratory, its relationship to the university, and even its location are of vital significance to the people of this state," White wrote. "In addition, the right of free speech in this state is a vigorous one, largely because of the obligation and right of our citizens to be actively involved in government through the processes of initiative, referendum and recall which distinguish our state."

White was joined in the opinion by retired Justice Sidney Feinberg, sitting temporarily with the court by assignment. Justice James Scott dissented. Scott warned that the ramifications of the majority's "unprecedented application" of the public forum doctrine went far beyond the case at issue. Reported in: *San Francisco Examiner,* April 28.

San Francisco, California

Declaring that a vital First Amendment issue was at stake, on May 14 California Superior Court Judge Stuart R. Pollak ordered the University of California's Hastings College of the Law to reinstate Eva J. Paterson as its commencement speaker. Pollak ruled that students' rights of free speech were violated when the popular civil rights attorney was vetoed by Hastings' board of trustees.

Paterson was a popular teacher at Hastings, but her contract was not renewed last year, apparently because she was an outspoken critic of the administration. When the graduating seniors elected her their commencement speaker, the trustees vetoed the action, claiming she did not command sufficient national stature. Four alternates were suggested, but the students stuck by Paterson and the trustees decided to have no speaker at all.

Pollak said he did not believe "racial or sexual bias" was the reason for Paterson's rejection. Rather, he said, the cause was the previous year's commencement speaker, comedian Robin Williams, whose choice by the graduates embarrassed the administration. As a result, the trustees decided to reassert their authority over the speaker choice.

That decision was never properly communicated to the students, Pollak said. The members of the graduating class were given ballots which made no men-

tion of a policy change. "It was incumbent on the board to see that this change was communicated to the students," Pollak said. "The university was not in a position to countermand their decision, and if this had come to a trial, there's a good likelihood the students would have been able to show that Paterson was rejected because she was a critic of the university. It does seem to me strongly likely the students would prevail in their view that the university was in violation of the California and federal constitutions." Reported in: *San Francisco Chronicle,* May 15.

Washington, D.C.

On April 26, U.S. District Court Judge William B. Bryant struck down a series of regulations limiting the use of signs and other belongings by demonstrators on the sidewalk in front of the White House. The court held that the rules, imposed last year by the National Park Service, violated the First Amendment rights of demonstrators to seek redress of grievances. Bryant termed the rules "oppressive," "unjustified," "overbroad and unreasonable." The government immediately appealed the decision and an appellate court issued a temporary stay, permitting the controversial regulations to remain in effect for a time.

The rules, which took effect September 2 after an initial series of legal skirmishes, restrict the size of signs used in demonstrations, prohibit wooden signs and hollow metal supporting poles and bar demonstrators from leaving packages on the White House sidewalk. Federal officials argued that the restrictions were designed to minimize security threats as well as to give tourists a clear view of the White House. In appealing Bryant's ruling, the government criticized the judge for "a casual approach to the security of the president." Groups that challenged the rules argued that the restrictions did not significantly improve presidential security and appeared to have been drawn up for political aims.

In his ruling, which came after a seven-day trial in December, Bryant wrote: "No one who has lived through the past two decades can doubt the importance of protecting our presidents from those who would do them harm, and no reasonable person can dispute that some restrictions on freedom of expression may be tolerated in pursuit of this pressing public interest."

But, he added, it "does not seem proper that peaceful demonstrators should be made to forego their activities in order to allay the fears of security forces which are based on remote possibilities." Although he upheld three provisions, Bryant rejected nearly all the rules. "The requirement that a demonstrator maintain actual physical contact with a sign is oppressive, and has little or nothing to do with security or any other government interest. The prohibition against holding a sign in a stationary position less than three feet from the ledge is of similar character." Reported in: *Washington Post,* April 28.

Washington, D. C.

A federal appeals panel has ordered Washington's Metrorail rapid transit system to accept, at least temporarily, a series of anti-Reagan advertisements the transit authority had refused to run. The April 15 decision overturned a lower court ruling which permitted Metro to ban the posters created by New York artist Michael A. Lebron (see *Newsletter,* May 1984, p. 79).

The posters show two photographs, juxtaposed to appear as one. In one, President Reagan and advisers are enjoying a hearty meal. A laughing Reagan appears to be pointing at a second photo, which shows a group of grim-faced indigents. The lower court ruled that rejection of the posters was not politically biased, but based solely on their "deceptive manner" and "false representation of fact."

In a 3-1 decision, however, the appeals court ruled that "but for its allegedly misleading character, [the ad] is otherwise conceded to be legitimate political advertising under existing [Metro advertising] guidelines." The appellate ruling enabled the ads to run until a full appeal in June. Lebron's attorney, Donald Weightman, welcomed the decision. He charged that Metro's guidelines requiring "good taste and decency" in advertising copy and prohibiting "exaggerated, distorted, deceptive or offensive impressions" are "vague and overborad," constitute prior restraint and violate First Amendment rights. "There are serious practical problems in regulating political expression for 'truth' or 'accuracy'," he said. "A central issue [is] whether the images in question are a 'misstatement of fact' or 'an expression of belief.'" Reported in: *Washington Times,* April 16.

"political propaganda"

Washington, D.C.

A federal district court judge dismissed a lawsuit April 2 that sought to block the Justice Department from classifying three Canadian films on acid rain and nuclear war as "political propaganda" The judge, Charles R. Richey, said the distributors of the films, *Acid Rain: Requiem or Recovery, Acid from Heaven* and *If You Love This Planet,* failed to show that they were or would be injured by the classification.

"The court can find no allegations of fact that would indicate that audiences have diminished or that citizens

are not seeing the films because of the 'political propaganda' classification," Judge Richey wrote. He also said the record indicated that the Justice Department did not accuse the distributors of disseminating communist propaganda.

In January, 1983, the Justice Department's Internal Security Section ruled that the films constituted propaganda under a 40-year old law requiring any film sent to this country by a registered foreign agent—in this case, the National Film Board of Canada—to be labeled if it engages in political advocacy (see *Newsletter,* May 1983, p. 63). reported in: *New York Times,* April 4.

confidentiality

Albany, New York

A reporter need not comply with a grand jury subpoena requiring the divulging of confidential sources, New York State's highest court ruled May 10. In the first test of the state's so-called shield law, the State Court of Appeals held that the legislature, in passing the measure, had made free speech concerns paramount. This is so, the court ruled, even if the information sought deals with criminal activity, if the disclosure to the reporter is itself criminal or if a refusal to comply hinders a grand jury investigation. The 5-2 ruling reversed a lower court decision in the case of a Schenectady television reporter, Richard Beach, who disclosed a secret grand jury report on the Rensselaer County Sheriff's office. Two weeks later, the same grand jury ordered him to disclose the source of the information.

The shield law, enacted in 1970 and twice amended to afford greater protections to the press, states in part that "no professional journalist shall be adjudged in contempt by any body having contempt powers, nor shall a grand jury seek to have a journalist held in contempt by any body having contempt powers for refusing or failing to disclose any news or the source of any news."

"The current statute embodies the Legislature's intent to grant a broad protection," Chief Judge Lawrence H. Cooke wrote. "The inescapable conclusion is that the shield law provides a broad protection to journalists without any qualifying language.. . . Its impact on investigations of public officials is incidental. It is, therefore, constitutionally valid."

Joining in the majority decision were Judges Judith S. Kaye, Richard D. Simons and Hugh R. Jones. Judge Sol Wachtler wrote a concurring opinion. Judges Bernard S. Meyer and Matthew J. Jasen dissented.

The Schenectady case had been closely followed by the press. In a second shield law case, the court ruled 6-1 that *The Babylon Beacon* need not divulge the author of an anonymous letter to the editor in order to defend itself in a libel suit brought by the subject of the letter. Writing for the majority in that case, Judge Wachtler held that forcing a newspaper to divulge confidential information in a libel claim or else face default subverted the policies of the shield law just as surely as holding the newspaper in contempt.

There are now shield laws in 26 states, most enacted after the U.S. Supreme Court ruled in 1972 that the First Amendment does not necessarily allow reporters to withold the names of confidential sources from grand juries. Reported in; *New York Times,* May 11.

Glen Cove, New York

In a potentially important precedent in the defense of academic freedom, a federal judge ruled April 5 that a Long Island graduate student has the same First Amendment right as a journalist to protect sources and does not have to turn over dissertation notes to a grand jury.

U.S. District Court Judge Jack B. Weinstein said that Mario Brajuha, a doctoral candidate in sociology at the State University of New York at Stony Brook, has a right to protect sources he acquired while working in Le Restaurant in Glen Cove. The restaurant burned down in 1983 and became the subject of local and federal arson investigations. Brajuha worked there as a waiter to gather material for a dissertation on the sociology of the American restaurant.

"Serious scholars are entitled to no less protection than journalists," Weinstein said. "Compelled production of a researcher's notes may inhibit prospective and actual sources of information, thereby obstructing the flow of information to the researcher and through him or her to the public." While up holding Brajuha's right to confidentiality, Weinstein noted that should an indictment and trial result from the investigation, the scholar's need to protect his notes might be outweighed by a defendant's right to a fair trial.

Brajuha and the chair of the sociology department, Norman Goodman, called the decision an important one for academic freedom. "To turn over my notes, even though there is nothing in them [that would help investigators], would turn me into a police informant," Brajuha said. "It would have a chilling effect on research. The subpoena was so broad, it would reveal unnecessary details about people's lives that I told them would never come out."

"What this does is establish that serious scholars need no less protection than journalists," Goodman said. Stony Brook's University Senate supported the doctoral student, but the Suffolk County chapter of the American Civil Liberties Union said that it could not

help because Brajuha was not a reporter and did not enjoy First Amendment protections. Reported in: *Newsday,* April 6.

libel

Sioux Falls, South Dakota

South Dakota Gov. William Janklow's $10 million libel lawsuit against *Newsweek* magazine was dismissed March 30 after the judge said Janklow didn't have enough evidence to prove his case. Janklow sued the magazine last spring because of a February 21, 1983, story about his longtime feud with American Indian Movement leader Dennis Banks. It repeated Banks' accusation that Janklow raped a 15-year-old Indian in 1966 while a legal aid lawyer on the Rosebud Indian Reservation. Three government investigations found the allegations unfounded.

Judge John B. Jones of the U.S. District Court in Sioux Falls said that while errors in the story may constitute "journalistic conduct more commonly associated with tabloids like the *National Enquirer* and *The Globe,"* to win the suit Janklow would have had to prove that *Newsweek* acted with malice or reckless disregard fot the truth. Jones said the drift of the article did not show that *Newsweek's* opinion of Janklow was that he was a rapist.

Janklow also is suing The Viking Press, publisher of the book *In The Spirit of Crazy Horse,* its author, Peter Matthiessen, and three South Dakota booksellers for $24 million on charges similar to those in the *Newsweek* case (see *Newsletter,* May 1984, p. 75; July 1983, p. 112; January 1984, p. 18). That suit is still pending. Reported in: *Sioux Falls Argus-Leader,* March 31.

open courts

New York, N.Y.

On April 25, a federal appeals court restricted judges' authority to bar the press and public from pretrial hearings. The ruling by the U.S. Court of Appeals for the Second Circuit involved a newspaper's complaint about a closed hearing on suppressing evidence. "The First Amendment assures some degree of access to suppression hearings," Judge Jon O. Newman said.

"There is a significant benefit to be gained," Newman wrote, "from public observation of many aspects of criminal proceedings, including pretrial suppression hearings that may have a decisive effect upon the outcome of a prosecution." Justice Newman was joined in the 2-1 decision by Judge Ralph K. Winter. Judge Lloyd F. Macmahon dissented.

The decision reversed a ruling by Chief Judge Howard G. Munson of the Northern District of New York. He had closed a suppression hearing at the request of Michael Klepfer, who was charged with making false statements about Secretary of Labor Raymond J. Donovan.

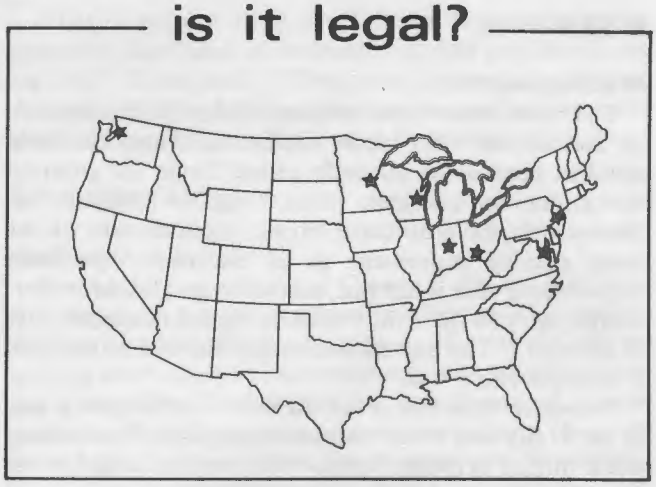
"It makes little sense," Judge Newman wrote, "to recogniza a right of public access to criminal courts and then limit that right to the trial phase of a criminal proceeding, something that occurs in only a small fraction of criminal cases." But, he added, access to pretrial proceedings did not merit "the same degree of protection historically accorded to free expression." The court ruled that closure of a suppression hearing should be done "only upon a showing of a significant risk of prejudice to the defendant's right to a fair trial or of danger to persons, property or the integrity of significant activities entitled to confidentiality, such as ongoing undercover investigations." On May 21, the U.S. Supreme Court reached a similar conclusion (see page 111). Reported in: *New York Times,* April 26.

sexual performances

Salem, Oregon

The Oregon Court of Appeals held February 8 that a state law banning sexual touching in live public shows was too broad and violated the Oregon Constitution's guarantees of free expression. The court overturned the conviction of Scott W. House, a male stripper charged with violating the law in January, 1982, during a show at the Chase Restaurant and Lounge in Beaverton. In an opinion drafted by Judge Jonathan U. Newman, the court said the law violated consitutional protections because it banned many actions specifically protected under the state constitution. Performances banned under the law would include Shakespeare's *Romeo and Juliet;* the musicals *South Pacific, Hair* and *Oh!Calcutta;* the ballets *Swan Lake* and *Leda and the Swan;* and other dramas, the opinion said. Reported in: *Portland Oregonian,* February 9.

is it legal?



USIA

Washington, D.C.

A United States Information Agency (USIA) program to certify educational films for export is drawing growing criticism from small filmmakers and distributors, who say the agency is trying to restrict films that are at odds with Reagan administration policy or do not conform to its conservative philosophy. Among the award-winning films to which the USIA has denied educational certificates are *In Our Own Backyards,* which describes the hazards of uranium mining; *Save the Planet,* a review of the history of nuclear power; *Soldier Girls,* an account of Army basic training; and *Secret Agent,* a look at the herbicide Agent Orange used in Vietnam.

The agency grants export certificates to about 3,000 films annually that it judges to be accurate, balanced and primarily for educational purposes. These certificates generally exempt films from thousands of dollars in foreign import duties and reduce the obstacles that distributors face in getting the films through foreign customs offices. But the USIA refuses to approve about thirty films a year because they are deemed unbalanced or espousing a point of view. The agency often relies on experts from other federal departments whose practices are portrayed by the filmmaker in unflattering terms.

After a thirty-year period in which only two filmmakers appealed negative rulings to a USIA review board, several now are challenging the deicisions. "This shouldn't be utilized as a political tool to censor films that are not supportive of the Reagan administration," said Margaret Ratner, a lawyer with the Center for Constitutional Rights, which is preparing a lawsuit to challenge the rules as unconstitutional. "It's the worst form of censorship. My point of view is someone else's propaganda."

John Mendenhall, a career USIA official who chairs the film review committee, said the panel carefully considers whether a film is "balanced and objective" or a "polemic." "It's not always an easy decision to make," he said. "We don't claim perfection." Asked why many films dealing with left of center themes were rejected, he said, "I wish we had more films on the right. They just don't come in. Mendenhall explained that the agency has no choice but to follow guidelines set under a 1984 international treaty.

"The guidelines are sufficiently vague to permit them to turn down any films they want," producer Peter Kinoy complained. "I think there's definite political pressure involved," complained Charles Light, whose distribution firm has had four films rejected since 1981. "It puts a chill in our distribution efforts. It doesn't help to have the government label your film as propaganda."

The dispute is part of a broader controversy over whether the USIA has been overly politicized under director Charles Z. Wick. Its overseas speaking program was recently embarrassed by a "blacklist" of speakers viewed as too liberal (see *Newsletter,* May 1984, p. 65), and its new satellite television service has broadcast interviews with top administration officials, but no Democrats.

Among other films rejected by the USIA were *Resurgence: The Movement for Equality vs. the Ku Klux Klan,* which won a blue ribbon at the American Film Festival, and *The Killing Ground,* an award-winning 1979 ABC documentary on toxic waste which was rejected at the behest of the Environmental Protection Agency as mainly of "historical interest" because the nation has made progress in dealing with that problem. Reported in: *Washington Post,* March 16; *New York Times,* March 19; *Village Voice,* April 17.

scientific censorship

Washington, D. C.

Three leading research universities have told the Reagan administration they will refuse to conduct certain kinds of sensitive but unclassified scientific research for the Defense Department if military reviewers are given the power to restrict publication of the findings. The presidents of Stanford University, the California Institute of Technology and the Massachusetts Institute of Technology have protested that a new Defense Department proposal aimed at preventing disclosure of sensitive information would interfere with open scien-

Mathias speaks against scientific censorship

"We should be very leery of the idea that national security demands that we cut back on First Amendment protection for scientific communication. Our own experience suggests that such a policy would be counterproductive." The speaker was Sen. Charles McC. Mathias, Jr. (Rep.-Maryland), who addressed a First Amendment Congress of the Society of Professional Journalists (Sigma Delta Chi) at Towson State University in Maryland March 17.

Charging that Reagan administration "attempts to restrict scientific information are troubling," Mathias quoted Benjamin Franklin: "They that give up essential liberty to obtain a little safety deserve neither liberty nor safety." Mathias told the journalists that the progress of science, as Albert Einstein noted, "presupposes the possibility of unrestricted communication of all results and judgments." Mathias noted that "freedom of speech goes a long way toward explaining why the United States is the world's preeminent scientific power." Reported in: *Frederick (Maryland) News,* March 17.

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tific communication.

In a joint letter to the government, the three presidents, Donald Kennedy of Stanford, Marvin L. Goldberger of Cal Tech, and Paul Grey of M. I. T., reacted to a proposed policy that would allow military reviewers to veto publication of findings in some categories of research and comment in advance on the propriety of publishing findings in other categories.

"We feel that restrictions as rigorous as this are potentially very threatening," Dr. Goldberger told the *New York Times.* "The essence of our letter was that the types of restrictions being considered could well make it impossible for us to accept certain contracts. It's a relatively small amount of money so it won't necessarily have a big direct impact on the universities. But it's the nose of the camel that we are worried about."

The most troubling proposal, university officials said, would give military authorities the final word on what findings may be published from applied research and development projects deemed "sensitive" by the Pentagon, even though they are not classified. Under the proposal, scientists would have to submit drafts of their papers to military reviewers ninety days in advance of publication, and the Pentagon would then make the final decision on whether all or part of the material could be published. Reported in: *New York Times,* April 10.

visas

Washington, D.C.

The State Department announced April 6 that the visa of Salvadoran rebel leader Guillermo Ungo had been revoked because he allegedly raised funds for guerrilla operations on previous visits. Ungo is head of the Democratic Revolutionary Front, political arm of the main guerilla movement in El Salvador. The State Department said it did not believe Ungo should be permitted entry to the U.S. "without regard to the purpose of his visit." The Salvadoran leader had earlier received a multiple entry visa.

Francisco Altschul, a representative of Ungo's group in the U.S., said Ungo had not engaged in fund raising work during previous visits. "We see this as a further step in closing off any possibility of a political solution," he said. "It is preventing U.S. public opinion from having an opposing point of view." Reported in: *Washington Post,* April 7.

press licensing

Washington, D.C.

U.S. journalism groups have organized to support a Canadian reporter who was told he could not write for a Cuban press agency without a special license. The Newspaper Guild, the Center for Constitutional Rights, and the Committee to Protect Journalists have petitioned the State Department to reverse an order preventing Robert Rutka from filing reports from Washington. Rutka is co-owner of Montreal-based Prensa Latina Canada, Ltd., which has an exclusive contract to provide news copy from North America to the official Cuban press agency Prensa Latina.

In February, Rutka was told he must stop filing copy unless he obtained a license required by the 1963 Cuban Assets Control Regulations. Rather than seek a license, which he said would almost certainly be denied, Rutka returned to Montreal. "By being a reporter or press agent, he was taking money from this Cuban agency, so he was in effect doing business with Cuba," a representative of the Treasury Department said.

Rutka and his supporters contend, however, that the U.S. actions smack of the kind of journalist licensing requirements the United States has strongly opposed in UNESCO debates. "The requirement that [Rutka] obtain any form of license is repugnant to anti-licensing pricniples that the U.S. government has espoused in international forums," wrote Newspaper Guild president Charles Perlik in a letter to Secretary of State George Schultz. The Committee to Protect Journalists said the license procedure "is precisely the kind of action the U.S. routinely denounces."

"This is the first time, that I know of anyway, that a journalist has been threatened with jail just for doing his job," Rutka said. "They have never accused me of doing anything other than carrying out journalism functions." Reported in: *Editor and Publisher,* April 14.

broadcasting

Washington, D. C.

On April 11, the Federal Communications Commission began an inquiry that could possibly lead to ending the controversial fairness doctrine, a 25-year-old rule requiring television and radio stations to broadcast opposing viewpoints. The commission took the action despite questions from Congress and consumer groups about its legal authority to eliminate the doctrine (see *Newsletter,* May 1984, p. 84). The agency claims the doctrine is no longer necessary because growth in the number of broadcast stations has guaranteed that all viewpoints will be heard.

The FCC also said the doctrine violates constitutional guarantees of free expression. "This is a debate between those who want a fair press and those who want a free press," said FCC Chair Mark Fowler. "Having a fair press means it will not be free." Fowler said the doctrine would be considered unconstitutional if applied to newspapers and other media.

The agency said in a statement that it "was unable to find clear evidence of a congressional intent to strip the agency of complete discretion to modify its fairness doctrine principles." But critics said Congress and legal scholars had made it clear the FCC cannot change the doctrine by itself. "The review is absolutely ridiculous," said a congressional aide. "The FCC cannot by itself repeal the fairness doctrine. It's the law. It can only be repealed by Congress." The fairness doctrine is the result of a 1959 amendment to the Communications Act of 1934. The FCC attempted and failed to persuade Congress to repeal it in 1981.

The National Association of Broadcasters backed the FCC review: "The fairness doctrine is an artificial structure that serves to stifle rather than promote dialogue on controversial topics. The FCC rightfully acknowledged that the time has come to fully explore regulatory impediments to broadcasters' exercise of the First Amendment right of free speech," said NAB president Edward C. Fritz. Reported in: *Washington Times,* April 12.

pornography

Indianapolis, Indiana

The city of Indianapolis does not intend to enforce a controversial anti-pornography ordinance until all legal challenges to it are resolved, assistant corporation counsel Mark E. Dall said May 7. "The ordinance was passed with the idea of it being a test case. It was not out of a desire to harass people, so we're not concerned about enforcement for that reason," Dall explained after a conference with U. S. District Court Judge Sarah Evans Barker. "First we want to pose the legal issue to the court."

The Freedom to Read Foundation and the American Booksellers Association have joined other parties who claim that the ordinance, which defines pornography as a form of sexual discrimination, is unconstitutional and should not be allowed to go into effect. In their brief, the plaintiffs said the law holds a person civilly liable "without requiring that said party have any knowledge of the nature of the offending material."

The ordinance was passed by the city council in late April and signed into law by Mayor William H. Hudnut, III, May 1. On May 9, the Court entered a preliminary injunction, restraining enforcement of the act.

The ordinance amends an existing city law that forbids denial of opportunities on the basis of race, sex and other factors. Similar to a proposal recently vetoed by Minneapolis mayor Donald Fraser (see *Newsletter,* March 1984, p. 37), the Indianapolis ordinance labels depictions of violence toward women in pornography sexual discrimination, and subjects distributors of such material to civil rights lawsuits. The statute, as originally written, defined pornography as "the sexually explicit subordination of women whether in films, photographs or words" including one of five specific modes of violent behavior.

On May 21, however, the city council amended the law. One of the most significant changes is the new, more specific, definition of pornography which in part reads: "Material which, taken as a whole, constitutes the sexually explicit subordination of women, graphically depicted, whether in pictures alone or in pictures as amplified by accompanying words."

Supporters say the proposal is intended to stop violence toward women, not stamp out eroticism and nudity. Although drafters of the measure consulted with the authors of the Minneapolis measure, the Indianapolis version does not cover explicitly non-violent material. "I don't want to weaken this" ordinance with a definition that is too broad, explained council member Beulah Coughenour, who sponsored the measure. "I want to be able to know when I see it. I can tell you when women are being penetrated by animals, or experiencing pain at being raped—in scenarios of torture. The others I'm not sure."

Opponents of the measure say that despite its more narrow focus, like the Minneapolis proposal the Indianapolis law constitutes censorship and violates the

First, Fifth and Fourteenth Amendments to the U. S. Constitution. But Coughenour said that under the Fourteenth Amendment "human rights are violated when people are abused, exploited or held in an inferior status because of a condition of birth." Mayor Hudnut has said that the city is prepared to defend the ordinance as far as the U. S. Supreme Court. Reported in: *Minneapolis Star & Tribune,* April 3; New York Times, April 10,*Crawfordsville Journal-Review,* May 8.

schools

Minneapolis, Minnesota

The Minnesota Civil Liberties Union (MCLU) asked a federal judge April 4 to stop the Minneapolis School District from infringing on what it contends is a student's right to free speech. Jennifer Peck, a senior at Elizabeth Hall Free School, contended that she was called into the principal's office and threatened with disciplinary action for handing out anti-administration flyers.

On September 2 and 12, Peck and other students handed out leaflets urging students to attend a meeting to discuss an apparent shift to a stricter atmosphere at the school. The flyers called on students to "join forces and free ouselves from the grip of tyranny." Peck said the principal, Betty Jo Webb, told her she needed to check with her office before distributing the flyers.

George McCormick, a lawyer for the MCLU, said that when she was asked about the flyers, Peck inquired whether she was going to be suspended. Though assured she would not be, she was also told that if she continued to hand out leaflets, she would be asked to leave. McCormick said the MCLU agrees that a school should be able to monitor the place, time and method of distributing literature, but it cannot screen their content. "Whatsoever was said, that conference in and of itself is intimidation to a student," McCormick stated.

Fred Finch, an attorney for the school board, said, "I think it's a very small molehill that's been blown into a very big mountain. Nowhere in her deposition did Jennifer testify that they inquired about the contents of the flyer. They just asked that she check with them before she did it." Reported in: *Minneapolis Star & Tribune,* April 5.

Bound Brook, New Jersey

Dozens of teenagers wearing white gloves and black studded belts—trademarks of singer Michael Jackson—went before a school board meeting March 12 to protest a policy that bars them from wearing their idol's attire to class. But the Bound Brook High School Board of Education told the students they would have to follow the grievance procedures in their student handbook and take their case to the principal and then the district superintendent.

The controversy began when senior Michelle Morrissey, a National Honor Society member, said she was threatened with disciplinary action after she wore a single white glove to school. About sixty students attended the board meeting to back up protests contained in a petition signed by more than 280 classmates who want the right to mimic Jackson's garb. Reported in: *Northwest New Jersey Daily Record,* March 13.

colleges and universities

Cincinnati, Ohio

A doctoral student in philosophy, who stood silently beside a Central Intelligence Agency recruiting table at a University of Cincinnati Jobs Fair April 11 with a sign reading "No Vietnam War in Central America" has charged that he was forcibly removed from the premises by campus security guards. In a letter to the University of Cincinnati *News-Record,* Kerry Walters wrote:

"At no time did I initiate conversation with, much less hassle, students browsing at the table. I merely made myself available to any of them who wanted to speak to me about the CIA. Notwithstanding my passive stance, one of the coordinators of the Jobs Fair, a Ms. Masters, furiously accused me of 'violating the rights' of students participating in the Jobs Fair, and called in the two security guards who eventually removed me—under threat of possible arrest. . . . I simply don't understand what rights I supposedly violated. In fact, I submit that I was attempting to protect our right against one-sided and harmful misinformation. The literature displayed on the CIA table was completely silent about the CIA's unsavory past. . . . It is precisely because the CIA was recruiting through a one-sided description of its activities that I felt my actions extremely appropriate. I was not denying the CIA the right to recruit on campus; I was simply trying to keep it honest by giving students a chance to hear the whole story. Obviously, however, neither the CIA nor the Jobs Fair coordinators nor, by implication, the University of Cincinnati, are worried about that particular right." Reported in: *News-Record,* April 16.

Seattle, Washington

A group of students at Seattle Central Community College has been told they cannot use school auditoriums to hold a "Dump Reagan" rally. The Youth and Students United to Dump Reagan, organized to bring representatives of Democratic presidential candidates to the school, said officials told them their

(Continued on page 123)

success stories

libraries

Covington, Louisiana

By a narrow 8-7 vote, the St. Tammany Parish School board on April 12 ordered two books removed from parish school libraries in early January returned to library shelves. The board decided to accept the unanimous recommendation of a teachers' committee to allow students of "the appropriate grade and age" to read *Then Again Maybe I Won't,* by Judy Blume, and *Edith Jackson,* by Rosa Guy. The books had been removed after a parent complained and school administrators ordered removal because the books' "treatment of immorality and voyeurism do not provide for the growth of desirable attitudes."

Board member Jeff Bratton, a Covington attorney, spoke for the majority: "Frankly," he said, "I don't think I've ever read anything in my life that caused me any harm. But the real issue here is constitutional and First Amendment rights." The decision was a victory for Covington High School librarians Bonnie Bess Wood and Susan Samson who spearheaded the appeal effort (see *Newsletter,* May 1984, p. 69). Reported in: *New Orleans Times-Picayune,* April 14; *Baton Rouge Morning Advocate,* April 13.

Lincoln, Nebraska

For the second time in three months, the Lincoln Library Board has refused to remove *Playboy* magazine from the Lincoln City Libraries. In mid-March, representatives of several conservative Christian groups appeared before the library board to ask for the magazine's removal on the grounds that it promotes sexual hedonism. "I'm deeply, deeply concerned with the value base that is being used in the selection of materials, if it would allow something of this nature to be purchased with public money," said complainant Diana Nyagira.

Authors of pornographic literature often go insane or become "perverted" themselves, charged Rodney Hinrichs, pastor of Rejoice Lutheran Church. People should avoid reading "bad" materials because "we will be like what we read," he said. Hinrichs claimed that when he was a teenager he read a "bad magazine" and "it took me ten years to get rid of the lust."

The library board rejected these arguments, however, and on April 12 unanimously accepted a recommendation by Library Director Carol Connor to retain *Playboy.* Connor said that since the complaint had been filed a month earlier, the library had received 64 letters and calls in support of the publication's retention and only 27 letters and calls asking its removal. Connor said the library adheres to the ALA Library Bill of Rights. "I believe the library is a public institution which has the responsibility to present various points of view. But it's not the function of the library to set moral standards," she said.

"This must be quelched right now," Lincoln attorney Herb Friedman told the library board at a public hearing. "The board and city cannot condone censorship. this is a fundamental First Amendment issue."

In December, a Lincoln man asked the board to cancel the *Playboy* subscription and destroy back copies after he found a group of boys ogling a copy at the Gere Branch Library (see *Newsletter* May 1984, p. 87; March 1984, p. 39). That appeal was also rejected, but the library staff later decided to remove the magazine from Gere because it was being "mutilated" from overuse and keeping watch on its condition was overburdening staff. Reported in: *Lincoln Journal,* April 13; *Lincoln Star,* March 16, 18.

schools

Springfield, Illinois

Mark Twain's classic novel, *The Adventures of Huckleberry Finn,* will continue to be studied in Springfield high school classrooms. School superintendent Donald Miedema told the school board April 2 that he had turned down a request from a Springfield High teacher to ban the novel. A five-member committee which reviewed the complaint, however, also suggested that a "guidebook" be prepared for teaching the book as well as for other controversial texts. "The committee did offer some procedures for handling sensitive material," Miedema said. "But the bottom line is that they are opposed to the banning of the book."

kudos

Two state intellectual freedom activists recently won awards recognizing their contributions to the cause of intellectual freedom and librarianship. Dr. Janis H. Bruwelheide, associate professor of education at Montana State University and regular contributor to the *Newsletter,* was named recipient of the 1984 Intellectual Freedom Award of the Montana Library Association. The award was presented April 27 by Gov. Ted Schwinden in Helena. Bruwelheide has served as chair of the Montana Library Association Intellectual Freedom Committee since 1981 and is a member of the MLA legislative committee. She has conducted numerous workshops on censorship issues for Montana libraries and schools.

On April 13, Kay K. Runge director of the Scott County Library System, was awarded the 1984 Iowa Educational Media Association/SIRS Intellectual Freedom Award. Runge was presented the $500 award at the annual banquet of the IEMA by Lee Johnson of the SIRS Corporation, which funds the prize, and by Mark Henderson of the IEMA Intellectual Freedom Committee. Kay Runge is a former president of the Iowa Library Association. In presenting the award, Henderson cited her efforts to protect the privacy of library records which resulted in legislation (see page 99). Congratulations, Janis and Kay!

Nell Clay, a black business teacher, objected to Twain's portrayal of blacks, and, in particular, to his use of the word "nigger" in the novel (see *Newsletter,* May 1984, p. 72). Clay filed her complaint when several black students told her they were embarrassed and offended by the novel. She said other available works discuss similar themes without the offensive language. Under district guidelines, no book can be withdrawn without a formal challenge. The superintendent makes the final decision on challenged books. Reported in: *Springfield State-Journal,* April 3.

Olney, Texas

On March 13, Tommy Corbin appeared before the monthly meeting of the Board of Trustees of the Olney Independent School District to ask that a book, *Lord of the Flies,* by Nobel Prize winner William Golding, be removed from the freshmen English reading list because of excessive violence and bad language. Board president Lewis Farmer assigned a committee to study the book.

On April 10, the Language Arts Committee reported to the board. Jana Knezek, chair of the committee, told the trustees the committee recommended the book be kept on the approved reading list. The committee's request was based on three considerations: 1) Although a parent has the right to approve his or her own child's reading, there is no right to impose one's beliefs on other parents. Since an alternative novel is provided each year, the complaint concerning *Lord of the Flies* is thus invalid. 2) The school board approved the novel with the 1980 adoption of the Language Arts Curriculum Guide. 3) The committee reviewed the literary merits of the novel and found it of exceptional educational value. Board members approved the committee's recommendation and the book will remain in the library. Reported in: *Olney Enterprise,* March 15, April 12.

Glenrock, Wyoming

By a 2-1 vote, Wyoming School District 2 trustees chose April 18 not to remove *Flowers for Algernon,* by Daniel Keyes, from the curriculum at Glenrock High School. The board's decision sustained favorable recommendations by superintendent Dennis Scheer and a review committee of community members and faculty.

The protest against the novel came from Glenrock resident Martin Wood, leader of the Glenrock Bible Fellowship. Wood's ninth-grade daughter was assigned the book in December, but when questions were raised about its suitability an alternate assignment was made. Wood pursued the matter further, however, seeking the book's removal from the school. "What's the difference between this and *Playboy,* this and *Hustler,* and any other form of pornography?" he asked. Admitting that he had not read the entire novel, Wood said he found several "explicit" love scenes distasteful. "I found this just by flipping through the book," he said.

School board members Fred Grant and Al Stoick supported the recommendation to retain *Flowers for Algernon.* Mike Rafferty voted against the novel. "I looked at the positive side of it," Stoick said, adding that the controversial segments seemed an important part of the story. "If we are going to censor on the basis of that book, I don't know where we would stop," he added. Rafferty said he did not object to the book's content but opposed its use because of "principles."

Superintendent Scheer said the school district was taking a "low key approach" to the issue. "Aside from the board's decision and the recommendations, there has been very little comment. If there are objections to a book, we have found alternates to use on an individual basis. We have generally found this to be satisfactory and acceptable." Reported in: *Douglas (Wyoming) Budget,* April 19.

etc.

St Paul, Minnesota

St. Paul's attempt to set up an adult film censorship board came to an end March 29, as Mayor George Latimer vetoed a city council resolution asking the Minnesota legislature to establish a judicial appeal process for theater owners whose films were determined by the board to be obscene. Latimer charged that the proposed censorship board would "threaten the right of free expression and would have a marginal effect on the showing of pornographic films in the city."

Without providing an avenue of appeal, the city can't establish a review board under a proposed ordinance submitted by Council Member Bill Wilson which called for establishment of a seven-member board that would review adult films before public showing. If a film was determined to be obscene by standards established by the U.S. Supreme Court, the board would notify the exhibitor and set a date for a judicial hearing. After viewing the film, the judge would issue an order upholding or denying the board's action. By law, the burden of proof would be on the censorship board.

In issuing his veto, Latimer criticized the council for not providing a forum for public debate on an issue with "major public policy implications." He also said the ordinance raised serious concerns about prior restraint and would be difficult to administer. "The truth is, there are thousands of films of this type across the counter in twenty or thirty stores," Latimer noted. "This ordinance doesn't even eliminate the evil it aims to target." Reported in: *Minneapolis Star & Tribune,* March 30.

Madison, Wisconsin

One of the more obscure, but symbolically significant acts of the 1984 Wisconsin legislature was to repeal a law demanding censorship of history textbooks. The law, passed in 1923, prohibited high schools from using any history textbook "which falsifies the facts" about the Revolutionary War or the War of 1812. The law had been amended twice since its adoption and until it was repealed mandated that "No book may be adopted for use or be used in any public school which falsifies the facts regarding the history of our nation, which defames our nation's founders or misrepresents the ideals and causes for which they struggled and sacrificed or which contains propaganda favorable to any foreign government."

The legislature pulled the teeth from the statute in 1967 by repealing provisions for formal citizen complaints and for the Superintendent of Public Instruction to hold hearings and withhold state aid from districts which stood in violation. A bill to repeal the entire act was first introduced in 1981 by Reps. Mordecai Lee and Dismas Becker (Dem.-Milaukee), but it died in committee. By 1984, Lee was a state senator and he reintroduced the measure as an amendment to an educational bill. The amendment was passed 53-45. It was sponsored in the House by conservative Republican John Merkt of Mequon, who called the law "the kind of think they have on the books in Communist countries." Reported in: *Green Bay Press-Gazette,* April 15.

(Is it legal? . . . from page 120)

theme was "too controversial." When the students asked to use the college's Broadway Performance Hall, they first were told it was against state law to use state property for partisan purposes. Then they were told it was against school policy.

"I think it's an attempt to circumvent our right to freedom of assembly and freedom of speech," said Dave Archuleta, one of six organizers of the group. "We are students, and we should be able to use the school," added Anita McMillen.

Peter Koshi, director of student affairs, said the decision was made because school facilities can only be used by a recognized student group or if $175 rent is paid by a public organization. The students could use the room rent-free if they were sponsored by a recognized student organization. But in order to be recognized, groups "must provide a broad spectrum of views," Koshi explained. "That is where we have a problem with this group. They have a narrow view, and they want to present only that view."

"We feel they're trying to censor what we're doing and make us do what they like—which is neutral," said McMillen. "We students are not neutral. We want a chance to speak out." Reported in: *Seattle Times,* March 17.

shopping malls

Madison, Wisconsin

The owners of East Towne and West Towne shopping malls in Madison have gone to court to try to prevent a group of anti-nuclear war dancers from performing in the shopping centers. Declaring that the malls prohibit any religious or political activity that would not "make people relaxed and make them shop and spend money," the mall owners won a temporary restraining order against the Nu Parable dance troupe May 4. Judge William D. Byrne said he would rule on the owners' request for an injunction within a short time.

Nu Parable wants to "wake people up about the threat of nuclear war and they believe this dance is a good way to do that," said Jeff Scott Olsen, attorney for the group. A dozen or so dancers wear red pants and red shirts with yellow radiation signs. Toward the end of their nearly silent performance of the aftermath of nuclear war they stage a symbolic mass dying in which members of the audience sometimes participate. Reported in: *Madison State Journal,* May 5.

(Censorship Dateline . . . from page 110)

Cairo, Egypt

Copies of an opposition newspaper that had been confiscated by the government appeared on newsstands April 13 after a court reversed the order. The April 12 issue of *Al Wafd,* a weekly, had been impounded because an article allegedly violated restrictions on reporting about an Islamic fundamentalist group accused of assassinating President Anwar el-Sadat. After the government impounded the paper, the opposition New Wafd Party, the publisher, successfully challenged the action. The impoundment was the first such action in Egypt since President Hosni Mubarak took office in October 1981. Reported in: *New York Times,* April 14.

London, England

On May 8, the trial began of two British book distributors charged with selling 21 books that have been on their shelves for more than thirteen years. The owners of Knockabout Comics and Airlift Books face fines, imprisonment and lost revenues from official confiscation of inventories. The bookstores are charged under the Obscene Publications Acts of 1959 and 1964, intended to restrict pornography, with distributing literature related to drug abuse which "deprave and corrupt" readers.

Supporters of the defendants charge that police have visited thirty stores with warrants to remove books. Nine stores have been charged and about 20,000 books and comics, 250 titles, confiscated, including Hunter S. Thompson's *Fear and Loathing in Las Vegas,* Tom Wolfe's *Electric Kool-Aid Acid Test,* William Burroughs' *Junky* and Aldous Huxley's *Doors of Perception.* In one store, *Drug Laws of the World,* a factual account of drug laws in different countries, was removed.

The Knockabout/Airlift trial is seen as a test case; if the defendants lose, the nine other stores will also stand trial. This is the first time the Obscene Publications Acts have been used to regulate reading material about drugs. Bookstores in London and Edinburgh selling literature about homosexuality have also been raided, and some book distributors fear that with this approach the laws could be so broadened as to allow prosecution of peace movement literature and "objectionable" political theories. The defendant have also been charged under the Misuse of Drugs Act with "causing people to obtain cannabis, cocaine, psilocybin." Reported in: *Right to Read,* San Francisco, February 1984.

Paris, France

France's problem-plagued Socialist government is facing charges that it is trying to inhibit freedom of the press. The Socialists deny this, arguing that the real threat to freedom comes from right-wing interests who want to create a press monopoly.

At issue is a bill the Socialists have proposed to limit concentration of press ownership, insure pluralism and guarantee that readers know who owns the papers they read. The bill prohibits any one newspaper group from owning more than three national newspapers or controlling more than fifteen percent of the national newspaper circulation. Another provision limits a group to controlling no more than ten percent of the regional market. At present, these provisions would apply to only one newspaper group, controlled by Robert Hersant, whose papers account for forty percent of the national readership and for thirteen percent of the regional market. The Hersant publications have been critical of the government.

"The law the government wants is an anti-Hersant law," charged Andre Audiot, Hersant's assistant and an opposition member of the National Assembly. "The bill will destroy pluralism where it exists and not touch monopoly."

But Jean-Jack Queyranne, a Socialist parliamentarian leading the fight for the proposal, said the law "has general provisions. If there is a company that meets the provisions, so be it." Still, Queyranne did not deny that the Socialists would like to undercut Hersant's power. "One Frenchman in five buys a paper that belongs to Mr. Hersant," he said. "That is fantastic control of public opinion." The left has charged that Hersant's activism in ultranationalist, pro-Vichy politics during WWII should bar him from such extensive control of the press.

As of early May, the bill had passed the Assembly and was under consideration by the Senate. Although some constitutional questions have been raised about it, France has no equivalent of the First Amendment, and government regulation of the press is widely accepted. Reported in: *New York Times,* May 6.

Jerusalem, Israel

An Israeli High Court hearing April 3 upheld a 1981 interior ministry decision to deny a publishing license to Jerusalem resident Aida Ayyoub for a bi-weekly magazine called *Al Masira.* The magazine would deal with social, economic, cultural and political subjects. Rafi Levy, the Jerusalem district commissioner, based his refusal on a claim that Ayyoub would "endanger the security of the state."

Judges Menahem Elon, Yehuda Cohen and Elisha Sheinbaum stated that the British Emergency Regulations of 1945 free the commissioner from having to explain his reasons for the denial. The regulations, adopted by Israel, make it mandatory to have a government license before publishing any material on a regular basis. Only a small percentage of Palestinian applicants receive licenses. Ayyoub was the second Palestinian woman to be denied a license in six months. A Galilee social scientist was refused a permit to publish a scientific magazine (see *Newsletter,* May 1984, p. 94).

Ayyoub, who works as a teacher at Rosary Convent, a private Catholic school, said her magazine would deal only with the Palestinian reality and life in the occupied territories. *"Masira* magazine was to serve students and workers," she said. "They need essays on culture and education to deepen their knowledge. The decision of the High Court, however, does not shock me. I already knew there is no democracy in Israeli courts." Reported in: *Al Fajr Jerusalem Palestinian Weekly,* April 13.

Occupied West Bank

On April 21, the Israeli military government in the West Bank released two new lists of books it has banned from the occupied territories. In two successive amendments to the military order dealing with banned publications, the general Israeli censor, Ibrahim Har'el, said the twenty-two books mentioned constitute a "threat to the security of the region and the public order." The order is based on the British mandate Emergency Defense Regulations of 1945.

Among the banned books, five dealt with the 1982 war in Lebanon. Others, such as *The Rhodesian Dilemma* and *The Suez Canal, Egypt's Pulse,* did not touch on the Palestinian question in any way. Another banned book, *Gush Emunim—The Real Face of Zionism,* was authored by prominent Israeli journalist Dani Rubinstein. Several thousand publications have been banned since the occupation. Possession of banned books is an offense subject to trial before a military court. Reported in: *Al Fajr Jerusalem Palestinian Weekly,* April 27.

Tokyo, Japan

Japan's ambassador to the Soviet Union canceled a scheduled television address in Moscow after rejecting Soviet demands that he alter certain parts, Japanese news agencies reported April 30. The Soviet Foreign Ministry demanded that portions of the speech by Masuo Takashima that mentioned islands disputed by the two countries and nuclear disarmament be amended. Reported in: *Philadelphia Inquirer,* May 1.

Malaysia

A new Printing Presses and Publications Act was passed by Malaysia's parliament March 28 which further tightens the government's control of local and foreign publications. Under the new law, not only the Home Affairs Minister, but other "senior authorized officers" can now monitor and enforce censorship. The word "publication" now encompasses "anything which by its form, shape or in any manner is capable of suggesting words or ideas." Prohibited publications include not only offending articles, but also any "extract, precis or paraphrase therof." Offenses include counseling "disobedience to the law," or promotion of feelings of "ill-will, hostility, enmity, hatred, disharmony or disunity." Authorized officials are now empowered to ban local or foreign publications likely to be prejudicial to "public order," to a "relationship with any foreign country," or to "public or national interest." Reported in: *Index on Censorship Briefing Paper,* April 12.

Lagos, Nigeria

On April 17, the new military government of Nigeria published a tough new journalism law giving it the power to close newspapers and radio stations and jail journalists. People charged with publishing a false report or any story ridiculing government officials or putting them in disrepute have the burden of proving their innocence. Trial will be by special tribunal with no benefit of appeal. Publishing organizations face minimum fines of $13,000, and the government may close newspapers or radio stations for twelve months if they are believed to be "detrimental to the interest of the federation." The decree was made retroactive so journalists are liable for what they wrote or broadcast before April 17 as well as after. In an interview published shortly after he seized power in a New Year's eve coup, Maj. Gen. Muhammadu Buhari had promised to restrict press freedom (see *Newsletter,* May 1984, p. 95).

"This is the first time in Nigeria's independent history that a concerted attempt has been made to restrain the freedom of the press," said Ray Ekpu, chiarman of the editorial board of the independent Concord newspapers. "They are demanding press sycophancy at

gunpoint. No other regime, military or civilian, has ever done that here." Ironically, when the military took over, the press overwhelmingly applauded the move, and coverage of the new regime's actions and statements has been largely favorable. Reported in: *New York Times,* April 18, 30.

Asuncion, Paraguay

The government accused Paraguay's largest daily newspaper of endangering peace and stability, and ordered it to halt publication indefinitely March 22. The newspaper, *ABC Color,* has been outspoken in criticizing the government of President Gen. Alfredo Stroessner. The Interior Ministry accused the paper of having "systematically and knowingly violated the precepts of the constitution in a permanent effort to subvert public order." The decree accused the paper, with a daily circulation of approximately 100,000, of publishing "seditious opinions" in editorials and of serving as a "permanent spokesman for irregular political groups lacking in legal or institutional backing, provoking in this manner a state of confusion, of unrest in public opinion and creating social alarm." Aldo Zuccolillo, the paper's owner, was arrested and held without formal charges. Reported in: *Boston Globe,* March 25.

Johannesburg, South Africa

Four past issues of a weekly newspaper in South African occupied Namibia, *The Windhoek Observer,* were banned April 27 under the territory's antiobscenity laws. *The Observer* and its editor, Hannes Smith, have faced hostility from authorities because the publication is regarded as sympathetic to black nationalists. Its editorials criticize South Africa's control of Namibia.

The paper also publishes a picture of a woman wearing only a bikini bottom on its back page each week. Smith said he publishes the semi-nudes to highlight double standards in the censorship laws. Postcards with pictures of bare-breasted black women are displayed in stores, he said, but pictures of nude white women are termed obscene. Smith said *The Observer* would abandon its back-page picture, publishing instead "salacious" love letters written by prominent figures, including churchmen. Reported in: *New York Times,* April 28.

Taipei, Taiwan

On January 22, the Government Information Office (GIO), Taiwan's media watchdog, ordered a year-long suspension of the local weekly magazine *Senh-Kin* (Roots) for what was termed a "very serious violation of the nation's anti-communist policy." According to the GIO, the suspension followed publication of two articles deemed inconsistent with the registered scope of interest filed by the magazine. In 1983, *Senh-Kin* was banned twice and one issue was confiscated. Other publications which were censored, banned, confiscated or suspended in 1983 are: *Vertical-Horizontal, Cultivate, Asian, The Eighties, Progress, Political Monitor, Care, Ming Yen, Progressive Forum,* and *Current Monthly.* Reported in: *Index on Censorship Briefing Paper,* February 9.

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There was disagreement over what effect the repeal would have. "This is going to free publishers to write about science accurately, unhampered by religious dogma," said Michael Hudson, Texas coordinator for People for the American Way, which had petitioned for the change and threatened to sue if it was not made. "It undoes ten years of creationist influence on textbook content and it will spill over into every state," he continued. "I would claim and assert to you that this ruling, in ranking of importance is on the same level as the Scopes trial."

Although Hudson claimed that his organization had traced numerous changes to the Texas rule and linked it with a decline in scientific ability among American schoolchildren, Hank Watkins of Prentice-Hall publishers, present at the vote, said the repeal would make little difference and disputed suggestions that his company had watered down its *Biology* text. "I don't think it will make two cents' worth of difference," board member Mary Ann Leveridge said. "The rule has never had any significant effect on biology books."

Norma Gabler, who, with her husband Mel, has long exerted a powerful influence on the Texas textbook selection process—the couple authored the repealed evolution rule—agreed. "This is rule by intimidation and threat," she said. She added that textbooks had not changed much under the rule and, to her dismay, still presented evolutionary theory. "They still show hunched-over men moving up to man from monkeys and fishes coming out of the water," she said. "If you want to believe you came from a monkey, that's fine, but I don't."

The vote came at a time of extraordinary turmoil in Texas public education. Last year, the board was forced to modify its rules to allow citizens to defend as well as criticize proposed textbooks. More recently H. Ross Perot, a Dallas computer millionaire and chair of a Select Committee on Public Education appointed last year by Gov. Mark White, has denounced Texas schools as dominated by "drill team, band and football" rather than essential academics. While he said little about the

evolution controversy, Perot has held Butler and the board responsible for many of the deficiencies his committee found in Texas schools, calling the board remote and authoritarian. Perot has proposed abolishing the elected board and replacing it with a nine-member panel appointed by the governor. Reported in: *New York Times,* April 15; *Austin American-Statesman,* April 14, 15; *Fort Worth Star-Telegram,* April 14.

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tried. The Kentucky fundamentalist schools form the main basis for the last of the descriptive parts of the book: again, the parents are presented as willing to suffer punishment in order to do the right thing for their children, against a nit-picking and encroaching state government.

Arons ends with a plea for a different form of education, which would conform to three main criteria: It would not be economically discriminating, as present private school education often is; it will not allow racial discrimination; it will forbid unnecessary interference by government in the control of the content of education. To Arons, the issue of racial discrimination is so important that what he sees as parents' rights to choice in education must be superseded by it. Perhaps some of those same parents would disagree with him on this issue. As much as I agree with Arons on that point, his emphasis does weaken his claim that the state can regulate only to the point where it has a compelling interest (health and safety would be two areas). Some of us might have other urgencies that, we might think, would rank with or even above freedom from racial discrimination. Why are these perceptions less valid than Arons'? And, disappointingly, Arons does not present a plan (although he describes what was wrong with a Washington, D.C. plan disapproved by voters) for restructuring education along the lines that he suggests. We are left with no constructive proposals to consider.

This book is valuable reading precisely because it challenges our assumptions. Readers may find it necessary to talk back to the book as they read, as a way of challenging Arons in return. One point where he may need challenging, some may feel, is in his review of the rights of children. Readers who hope to find a substantive discussion of this question will be disappointed; Arons' lip-service to the concept is that a discussion of children's rights in regard to schools and parents must wait until the rights of the parents in regard to the schools are clarified completely. It is discomforting to be presented at this late date with the idea that the state has no legitimate stake in the child. One wonders if Arons' ideas would also apply, for example, to medical treatment of children whose parents have religious objections to the treatment.—*Reviewed by Susan Branch, Reference Librarian, Worthington Public Library, Worthington, Ohio.*

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films

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intellectual freedom bibliography

Compiled by Nancy Herman, Assistant Director, Office for Intellectual Freedom

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