

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



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Conservative parent groups are citing a new set of federal rules published in the September 6, 1984, *Federal Register* in an intensified effort to control what their children study. Known officially as "Student Rights in Research, Experimental Programs and Testing," the rules are also referred to as the "Hatch Amendment regs" because they enforce a 1978 educational amendment sponsored by Sen. Orrin G. Hatch (Rep.-Utah).

The rules require parental consent before students take part in federally funded "psychiatric or psychological experimentation, testing or treatment." Parent groups claim, however, that classroom activity can fall within the broad scope of "psychiatric or psychological examination or test"—a phrase defined as "a group activity, that is not directly related to academic instruction and that is designed to elicit information about attitudes, habits, traits, opinions, beliefs or feelings."

The federal rules say that schools must obtain parental permission before administering to students psychiatric or psychological tests or treatment in which the primary purpose is to reveal one or more of the following: political affiliation; mental and psychological problems; sex behavior and attitudes; illegal, antisocial, self-incriminating and demeaning behavior; critical appraisals of family members; legal relationships such as those of lawyers, physicians and ministers; and income.

The Maryland Coalition of Concerned Parents on Privacy Rights in Public Schools, an offshoot of a group formed in 1972 to protest the "teaching of secular humanism," has encouraged parent groups across the country to distribute a "model" letter demanding compliance with the Hatch regulations. The letter asks that school districts seek written parental permission before raising for classroom discussion any of 34 topics ranging from alcohol to drugs to student diaries to nuclear war (see box on page 97). The letter was mailed to 120 organizations across the country. In January, the 70,000 subscribers to the *Phyllis Schlafly Report* each received a copy. In addition, the letter has been promoted on 45 Christian-oriented radio stations.

The campaign may already have had an effect on education in several locales. In Cobb County, Georgia, a school reacted to a parent's complaint about "secular humanism" by issuing a memorandum to teachers banning or restricting nine controversial topics including religion, communism, abortion, witchcraft and homosexuality. The school administration called the action "a preventive piece of correspondence."

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## Hatch Amendment in action

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

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

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## report to the Virginia Board of Education on changes in works contained in secondary literature textbooks

by Kenneth Bradford, Associate Director, English Language Arts/Reading Service, Virginia Board of Education.

As reported in the March Newsletter (p. 46), educators in Virginia are up in arms over charges that publishers have been censoring classic works of literature while producing abridged textbook editions. The following report to the Virginia Board of Education examines some of the issues raised by this complex problem.

### Preface

This report was requested by Mrs. Margaret Marston, a member of the Board of Education concerned about changes in the texts of Shakespeare plays included in secondary literature textbooks recommended for adoption by the Board. Since Shakespeare's plays are not the only literary works subjected to changes, the report has been somewhat expanded to include the general topic of changes in literary works intended for student use. It should be kept in mind that anthologies containing all or part of many literary works, plus headnotes, study questions, and other apparatus have long been a standard, convenient instructional resource in the study of literature from elementary through graduate school. . . .

### Texts

To the lay person whatever he or she borrows from the library, buys from the book store, or is assigned in the literary anthology is *the* text. The specialist, the textual bibliographer, knows better. Only relatively recent works, supervised through proofs by the author, can be clearly established as the author's authoritative words. The older the work, the less surely accurate the texts can be. *Beowulf*, for example, is in every English literature anthology; but only the specialist in medieval literature ever sees it as it was written, without punctuation or capitalization. Shakespeare never oversaw an edition of his plays; a number, including *Macbeth*, were first printed seven years after his death. Others, including *Romeo and Juliet* and *Hamlet*, have been pieced together by scholars from two or more incomplete editions. Even the works of relatively modern writers such as Melville, Twain, Dickinson, Joyce and Faulkner

have required major investigation, study, and editing to establish sound texts. Often, corrupt texts have simply been republished by even quite reputable publishers. For example, Cambridge University Press still publishes one expurgated edition of Shakespeare as well as a sound one. Almost every definitive text of any literary classic is a set of extrapolations. For the purpose of this report, concern will focus on changes made for reasons other than the desire to establish a definitive text, one that comes closest to the author's real intentions.

### Definitions

A number of the following terms tend to overlap or are aspects of others. They are separated here for the purpose of clarity of discussion.

- emendation—** This is the editing and correcting of a text by removing flaws and errors. It is an essential branch of literary and bibliographical studies. Almost all of Shakespeare's works, for example, have undergone this process several times.
- abridgement—** This includes shortening a work in any way, by removing lines, sections, chapters, etc., for the purpose of saving space. Most people are familiar with the *Reader's Digest Condensed Books* format for example, as well as the selection of portions of longer works for anthologies.
- adaptation—** This term implies changes in syntax and vocabulary or format in order to make the work more accessible to younger readers or those of lower ability. This has been done commercially since the nineteenth century.
- alteration—** This means any change in language or meaning made to suit the judgment or taste of a reader or performer. For example, David Garrick, the premier Shakespearean actor of the eighteenth century, usually omitted most of Act V, Scene I of *Hamlet*, the graveyard scene, because he believed it to be inconsistent with what he took to be Hamlet's character. Alteration of this sort is common in contemporary theatrical productions at all levels.
- translation—** Almost all translation implies change, since idioms seldom translate directly and easily. The translator can attempt to convey both denotative meaning and flavor, or simply meaning, or a different flavor according to personal taste. The most common translations of Dostoevski and Tolstoi studied by American college students through the 1960's, for example, were translated to remove any rough and racy colloquialisms. Much older English literature is translated to some degree, from *Beowulf*, which is written in essentially a foreign language, to Chaucer, written in Middle English, and even to Shakespeare, where originally *nice* meant "foolish" and *fellow* meant something like "punk"; information such as this is usually conveyed by footnotes.

(Continued on page 93)

## **fairness doctrine—public access vs. first amendment**

*By Bruce E. Daniels, Deputy Director, Rhode Island Department of State Library Services*

Is there a distinction between the broadcast media and the print media? What are the First Amendment rights of broadcasters? Does the public have sufficient access to the electronic media? These are just several of the questions being raised in the current debate over the Fairness Doctrine of the Communications Act of 1934. The Fairness Doctrine requires broadcasters to present contrasting viewpoints on controversial issues of public importance and to provide equal opportunities for legally qualified candidates for public office.

The Fairness Doctrine can be traced back to the Coolidge Administration. In 1927, Congress passed the Radio Act which created the Federal Radio Commission. At one point, the legislation also contained the requirement that broadcast stations provide a balanced discussion of public issues. During the debate in the Senate, the provision was deleted. The law, however, did contain a provision for equal opportunities for legally qualified candidates.<sup>1</sup>

In 1932, Congress amended the Radio Act of 1927. The legislation contained a provision which stated, "It shall be deemed in the public interest for a licensee, so far as possible, to permit equal opportunity for the presentation of both sides of a public question."<sup>2</sup> Once again Congress had seen that it was necessary to mandate that the broadcast media discuss issues of public importance. President Hoover pocket-vetoed the bill.

Two years later, Congress rewrote the 1927 law. The new legislation created the Federal Communications Commission with greater regulatory authority. The Senate's version contained provisions for equal broadcast opportunities for legally qualified candidates and for equal opportunities for presentation by all sides on a particular election issue. The latter was eliminated in conference.<sup>3</sup>

Over the next twenty-five years, the Federal Communications Commission, through its rulings, developed the concept of the Fairness Doctrine. With its Mayflower Broadcasting Corporation decision in 1941, it established a policy of nonadvocacy. This policy stated that broadcast stations had an obligation to present different sides of an issue fairly. Four years later, in its United Broadcasting Company decision, the Commission ruled that it was the duty of every broadcast station to be sensitive to the problems of public concern and to provide sufficient time, on a nondiscriminatory basis, for discussion of issues.<sup>4</sup> In 1949, in its *Report on*

*Editorializing by Broadcast Licensees*, the Commission established the Fairness Doctrine in regulation. With these regulations the Commission directed licensees "to operate in the public interest and:

1. to devote a reasonable amount of time to the coverage of controversial issues of public importance; and
2. to do so fairly by affording a reasonable opportunity for contrasting viewpoints to be voiced on these issues."<sup>5</sup>

In 1959, Congress amended the Communications Act of 1934. This time the legislation contained the Fairness Doctrine provisions. After thirty-two years, the public's right of access to the broadcast media was finally embodied in law.

Since the 1959 amendments were enacted, two cases testing the constitutionality of the Fairness Doctrine have reached the Supreme Court. In 1969, the Supreme Court ruled in the case of *Red Lion Broadcasting Company v. FCC* that the Fairness Doctrine was constitutional. In the Court's opinion:

"There is nothing in the First Amendment which prevents Government from requiring a licensee to share his frequency with others and to conduct himself as a proxy or fiduciary with obligations to present those views and voices which are representative of his community and which would otherwise, by necessity, be barred from the airwaves."<sup>6</sup>

The Court further stated:

"Because of the scarcity of radio frequencies, the Government is permitted to put restraints on licensees in favor of others whose views should be expressed on this unique medium. But the people as a whole retain their interest in free speech by radio and their collective right to have the medium function consistent with the ends and purposes of the First Amendment. It is the right of the viewers, not the right of broadcasters, which is paramount."<sup>7</sup>

The Supreme Court, in 1973, in the case of *CBS et. al v. Democratic National Committee* ruled that:

"A broadcast licensee has a large measure of journalistic freedom but not as large as that exercised by a newspaper. A licensee must balance what it might prefer to do as a private entrepreneur with what it is required to do as a 'public trustee'. "<sup>8</sup>

Over the last several years, Senator Robert Packwood of Oregon, Chairman of the Senate Committee on Commerce, Science and Transportation, has expressed strong concern about the Fairness Doctrine and its potential impact on the media as the technology becomes more sophisticated. In 1982, Senator Packwood proposed a constitutional amendment to provide First Amendment rights to broadcasters. Lacking support for a constitutional amendment, Senator

Packwood introduced the Freedom of Expression Act in 1983 which would have repealed the Fairness Doctrine provision from the Communications Act of 1934.<sup>9</sup> The legislation, however, died in committee.

While Congress debated amendments to the Communications Act of 1934, the Federal Communications Commission was moving toward deregulation of the broadcast media. Under the Commission's proposals, stations would no longer be required to broadcast minimum amounts of news and public affairs, to provide equal time to individuals criticized or editorialized against, or to include all candidates in campaign debates. In addition, it lent its support to the efforts in Congress to eliminate the Fairness Doctrine.<sup>10</sup> As the federal government continues to reexamine the role of the Commission in regulating television and radio, the public debate on the Fairness Doctrine continues.

Those who advocate the retention of the Fairness Doctrine include the American Library Association, AFL-CIO, Eagle Forum, U.S. Conference of Mayors, and National League of Cities. Arguments supporting the Doctrine stress the issues of public ownership, scarcity and accountability.

Supporters feel that as a public resource, the airwaves should be subject to public control. The Fairness Doctrine is a mild reminder that the airwaves are held in trust by the users. Without the mandate to give a reasonable amount of time to a balanced discussion of controversial issues, broadcast stations could be programming only for target audiences. This would be contrary to America's democratic process.<sup>11</sup>

The airwaves are a scarce resource as there are insufficient frequencies for everyone to broadcast. Unlike the print media, opportunity to access the broadcast media is much more limited. As long as this scarcity exists, the Fairness Doctrine is needed to insure that the welfare of the public is served.<sup>12</sup>

Since the airwaves are a public resource that is scarce, the owners need to be held accountable. The Fairness Doctrine provides a self-enforcing mechanism which stresses citizen/broadcaster conciliation. Without this mechanism, broadcasters would have absolute and unrestricted rights to advance their views to the exclusion of those less privileged.<sup>13</sup>

Among the groups supporting the elimination of the Fairness Doctrine are the Freedom of Expression Foundation, American Newspaper Publishers Association, Association for Education in Journalism and Mass Communication, and National Cable Television Association. Opponents use the First Amendment, the impact of new technology, and self-censorship as bases for arguing against the Fairness Doctrine.

Opponents of the Fairness Doctrine maintain that the broadcast media should be protected by the First

Amendment as is the print media. The mere fact that broadcast journalists are required to justify their performance to the federal government makes the Fairness Doctrine contrary to the First Amendment. In addition, the content controls pose a basic threat to the concept of editorial freedom of all media.<sup>14</sup>

Improved technology has eliminated many of the reasons for the Fairness Doctrine. Currently there are over 9,000 radio stations and over 1,400 television stations compared to a combined total of 2,915 in 1949. According to the National Association of Broadcasters, ninety-seven percent of the eighty million television households can receive four or more broadcast stations, sixty-seven percent can receive seven or more and thirty-eight percent can receive ten or more stations.<sup>15</sup> A major concern is that as large newspapers turn to satellite and video technology to transmit information, they run the risk of coming under the fairness doctrine.<sup>16</sup>

At the very time when it is imperative for vigorous debate of controversial new ideas to occur, broadcasters are self-censoring the information that is being transmitted over the airwaves. Broadcasters analyze potential controversial material to ascertain whether there are legal and financial risks involved in presenting the information. To avoid such risks, broadcasters often decide not to present either side of an issue. The public, opponents feel, is best served when there is a free flow of diverse ideas.<sup>17</sup>

1. Steven J. Simmons, *The Fairness Doctrine and the Media*, (Berkeley: University of California Press, 1978), p. 25-26.

2. *Ibid.*, p. 27.

3. *Ibid.*, p. 28.

4. *Ibid.*, p. 39.

5. Fred W. Friendly, *The Good Guys, the Bad Guys, and the First Amendment*, (New York: Random House, 1975), p. 24.

6. Simmons, *op. cit.*, p. 39.

7. Friendly, *op. cit.*, p. 138.

8. Jacqueline Calmes, "Groundwork Laid for Push Eliminating . . . Broadcast Equal Time, Fairness Rules," *Congressional Quarterly*, (June 2, 1984), p. 1302.

9. Ford Rowan, *Broadcast Fairness*, (New York, Longman, 1984), p. 16.

10. *Ibid.*, p. xii-xiii.

11. United States, Congress, Senate, Committee on Commerce Science and Transportation, *Freedom of Expression Act of 1983, Hearings before the Committee on Commerce, Science, and Transportation*, 98th Cong., 2d sess., 1984, p. 87.

12. *Ibid.*, p. 105.

13. *Ibid.*, p. 91.

14. *Ibid.*, p. 9.

15. United States, Congress, Senate, Committee on Commerce, Science and Transportation, *op. cit.*, p. 13.

16. *Ibid.*, p. 13.

17. *Ibid.*, p. 51.

## fairness doctrine—public access vs. first amendment

### An annotated bibliography

Compiled by Bruce E. Daniels, Deputy Director, Rhode Island Department of State Library Services and Esther Helfand, Assistant County Librarian, Contra Costa County Library.

**Chirch, Philip L. *Public Access to Broadcasting: A Review and Critical Examination of Access Arguments.* Northwestern University, 1980.**

Chirch, in his study of access to broadcasting, examines the arguments for and against public access. He provides an analysis of the cases which have come before both the Federal Communications Commission and the courts. It is his conclusion that there is a need for reform to balance the Communications Act with the First Amendment.

**Friendly, Fred W. *The Good Guys, the Bad Guys and the First Amendment.* Random House, 1975.**

This former director of CBS News presents a balanced view of the history of the Fairness Doctrine. Through his analysis of the court cases involving the Doctrine, Friendly concludes that there is no satisfactory formula for fairness on television. Instead, he recommends that television take the initiative by making a voluntary long-term commitment to presenting various points of view on an issue.

**Hentoff, Nat. *The First Freedom.* Delacorte, 1980.**

In his review of the First Amendment's history, Hentoff examines the judicial view of whether or not government can force the media to broadcast something in the interest of fair journalism. Hentoff believes that the Fairness Doctrine is in conflict with the First Amendment.

**Jencks, Richard and Robert Lewis Shayon. "Does the Fairness Doctrine Violate the First Amendment?" *Public Telecommunications Review*, December 1974, pp. 46-58.**

In a debate before the National Association of Educational Broadcasters, Jencks and Shayon examine the constitutionality of the Fairness Doctrine. Jencks argues that it is unconstitutional since the courts have ruled that government cannot regulate the press. Shayon

maintains it is constitutional as the courts have determined that the right of the public to be informed is paramount to the broadcasters' rights.

**Johnson, Nicholas. "Defending the Fairness Doctrine." *Review of General Semantics*, Vol. 32, #4, December 1975, pp. 397-399.**

A former member of the Federal Communications Commission argues on behalf of the First Amendment rights of the broadcaster's audience, asserting the public's right to have access to minority viewpoints. The author further argues that the present broadcast system needs regulation whether it be the Fairness Doctrine or an alternative mechanism to "guarantee a mass media fully reflecting the nation's diversity."

**Kaufman, Irving. "Reassessing the Fairness Doctrine: Should the First Amendment Apply Equally to the Print and Broadcast Media?" *New York Times Magazine*, June 19, 1983, Vol. 132, pp. 16-18.**

Changing technology and the availability of broadcast outlets have rendered specious the rationale for regulating broadcast media and not regulating print media. However, contends the author, this may not be a strong enough argument to dismiss the need for regulation designed to safeguard a multiplicity of opinions. While this is a neutral presentation of key arguments by proponents and opponents of the Fairness Doctrine, Kaufman urges vigilance, "to insure that our haste for deregulation does not produce a system in which the strength of one's voice is proportional to the size of his bank account."

**Labunski, Richard E. *The First Amendment Under Siege: The Politics of Broadcast Regulation.* Greenwood, 1981.**

In this analysis of the development of broadcast regulation, Labunski theorizes that broadcast regulation is politically motivated. A political analysis is provided of the five participants in the regulatory process—the Federal Communications Commission, Congress, the President, the broadcast industry and the public. The conclusion reached is that broadcasters have not fought strongly enough for their First Amendment rights.

**Minow, Newton, *Equal Time: The Private Broadcasters and the Public Interest.* Atheneum, 1964.**

Minow, chair of the Federal Communications Commission during President Kennedy's administration, began a public dialogue about the role of television in

American society. This collection of his speeches reveals his strong commitment to a functional regulatory system and to the public's claim for access to the broadcast medium.

**Rowan, Ford. *Broadcast Fairness: Doctrine, Practice, Prospects*. Longman, 1984.**

Through his examination of the specific Fairness Doctrine cases, Rowan attempts to show that the current application of federal policy is inconsistent. Rowan believes that the Fairness Doctrine is a way of increasing the flow of ideas by providing access for a larger variety of communicators.

**Schmidt, Benno. *Freedom of the Press v. Public Access*. Praeger, 1975.**

In this general overview of public access to all types of media, Schmidt examines the concept and its history. He points out that under freedom of the press, the publishing industry is the only organized business that is given explicit constitutional protection. It is the author's view that the press can preserve its freedom and autonomy with a commitment to journalistic responsibility.

**Silber, Jerome S. *Broadcast Regulation and the First Amendment*. Association for Education in Journalism, 1980.**

The author provides an historical perspective on broadcast regulation. Drawing upon pertinent court decisions, he analyzes arguments for both sides of the controversy, focusing on interpretations of the First Amendment and various components of the Fairness Doctrine, including its application to advertising. A well documented, well researched paper on a complex issue.

**Simmons, Steven J. *The Fairness Doctrine and the Media*. University of California Press, 1978.**

Through an analysis of the Federal Communications Commission's major rulings and court decisions, Simmons critiques the Fairness Doctrine. It is his conclusion that the Doctrine is cumbersome and potentially dangerous, especially as it applies to entertainment programming, broadcast news and advertising. Simmons recommends its elimination.

**United States Congress. Senate. Freedom of Expression Act of 1983. Hearings before the Committee on Commerce, Science, and Transportation, 98th Cong. 2d sess., 1984.**

During the 98th Congress Senator Robert Packwood introduced S. 1917—Freedom of Expression Act of 1983. The bill's purpose was to extend the full protection of the First Amendment to the electronic media. In January and February of 1984, the Senate Committee on Commerce, Science and Transportation held hearings on the proposed legislation. This report of the hearings provides a panorama of expert reaction to the elimination of the Fairness Doctrine.

This special bibliography was compiled with the support of the Ira W. and Ida J. Wright Memorial Fund for Intellectual Freedom. Reprints are available from the Office for Intellectual Freedom, ALA, 50 E. Huron St., Chicago, IL 60611 at \$2.00 per copy prepaid.

## Consumer's Guide to Biology Textbooks

In a report released February 18, People for the American Way, a public interest group, charged that the quality of high school biology texts has declined sharply over the past two decades and that many books give short shrift to the theory of evolution or don't mention it at all. The 128-page *Consumer's Guide to Biology Textbooks* is based on a year-long review of eighteen biology texts from major publishing houses that were submitted in 1984 to the Texas Board of Education. The study was conducted by Wayne A. Moyer, a former biology professor and former executive director of the National Association of Biology Teachers, and William V. Mayer, professor emeritus of biology at the University of Colorado.

Texas plays a significant role in the selection of public school texts for the nation because of its approximately \$65 million school book market. Until it was repealed in April 1984, the Texas board abided by a ten-year-old rule restricting references to evolution.

Although evolution theory is the central paradigm of biology—the set of facts and ideas that makes all the observations of biology fit into a coherent picture—the study found that biology texts, on the whole, cover the subject more poorly than did books almost twenty years ago. “The quality of biology textbooks has declined drastically since the late 1960s,” said Moyer. “Textbooks improved as a result of the renaissance in science education following the launching of the Soviet spacecraft Sputnik in 1975. But, in recent years, publishers have given in to pressure from the ultrafundamentalists and watered down references to evolution and other scientific theories.”

The three books criticized for not even mentioning the word “evolution” are *Life Science*, published by Scott, Foresman & Co.; *Living Things*, by Holt, Rinehart & Winston; and *Biology for Living*, from Silver Burdett. The study also singled out three texts as “doing an excellent job of presenting evolutionary theory and covering the field of biology.” These are *Biological Sciences: An Ecological Approach*, published by Houghton Mifflin; *Biology*, by Macmillan; and *Biology*, by Addison-Wesley.

The study also pointed out numerous factual errors and interpretive weaknesses in the eighteen texts surveyed, most dealing with aspects of evolutionary theory but including as well misdefinitions of the terms “mammal” and “embryo.” Included in the guide is an extensive rebuttal of creationist arguments against science. People for the American Way promises a similar guide to U.S. history texts in 1986.

The *Consumer's Guide* can be ordered for \$5.00, postpaid, by sending a check or money order to: People for the American Way, 1424 16th Street, N.W., Washington DC 20036. Reported in: *Washington Post*, March 3; *Baltimore Sun*, February 18.

## AAParagraphs

### attorney general's commission on pornography

On February 22, then attorney general William French Smith announced the establishment under the Department of Justice of the Attorney General's Commission on Pornography. The notice published in the *Federal Register* of March 4 (p. 8684) described the eleven-member Commission's purpose as an advisory body “to make recommendations to the Attorney General to address the serious national problem of pornography.” Following an American Civil Liberties Union protest that this language stated a conclusion that rightfully belonged to the commission itself, a subsequent commission charter was issued that reads:

“The objectives of the Commission are to determine the nature, extent, and impact on society of pornography in the United States, and to make specific recommendations to the Attorney General concerning more effective ways in which the spread of pornography could be contained, consistent with constitutional guarantees.”

The mission includes a study of the dimensions of the problem of pornography, particularly visual and graphic, including recent changes in its nature; its volume; the impact of new technology and pornography relating to children; means of production and distribution, including the role of organized crime; review of available evidence on the casual relationship between exposure to pornography and antisocial behavior and of its impact on children, including, as appropriate, commissioning of new research; review of local, state and national efforts to curb pornography and recommendation of possible roles for the Justice Department and other units of local, state and federal government in “controlling, consistent with constitutional guarantees, the production and distribution of pornography.”

Of seven projected meetings of the new commission, all are to be open to the public unless the Attorney General determines that part or all of a meeting or hearing should be closed.

This column is provided by the Freedom to Read Committee of the Association of American Publishers and was written for this issue by Richard P. Kleeman, AAP Director of Freedom to Read.

## reporters hit Reagan media curbs

A news media legal defense and research group has accused the Reagan administration of placing "the most significant . . . restrictions" since World War II on access to government information. A report released in March by the Reporters Committee for Freedom of the Press listed 51 actions from March 1981 to January 1985 that it said were attempts by the administration or, in a few cases, by independent federal agencies or the Supreme Court, to intrude on editorial freedom and restrict access to information by the public and the news media.

The actions ranged from cutting the budget for printing government reports in fiscal 1982 to a number of White House rules, some proposed but not carried out, restricting reporters' access to administration officials. The report also listed legislation introduced in the new Congress that would further curtail access to information.

Jack Landau, director of the Reporters Committee, said, "More threats are coming." He cited a bill introduced by Sen. Orrin Hatch (Rep.-Utah) that would expand the types of government information that are exempt from disclosure under the Freedom of Information Act. Reported in: *Wall Street Journal*, March 15.

## PTA calls for rating records

Record companies should rate their products so parents can tell which contain tunes that are profane, sexually explicit, violent or vulgar, the PTA's national president suggested October 30. The 5.4 million-member Congress of Parents and Teachers Associations is conducting a letter-writing campaign to convince companies to put warnings on records or tapes with lyrics that some might consider objectionable, said PTA President Elaine Steinkemeyer of Holt, Michigan. The campaign began with a resolution passed by the national PTA at its annual meeting in June.

"This is not censorship—that would be out of the question," Steinkemeyer said. "It was the feeling of the delegates the music be labeled for no other purpose than consumer protection." Bob Merlis, vice president for Warner Brothers records, said such screening should be done by parents, not record companies.

"We don't want to be in a position to prejudice our records, nor do we want others to judge our records," Merlis said. "It's in the home and therefore beyond our jurisdiction and a little beyond the PTA's jurisdiction. I think the PTA ought to pass a resolution that parents listen to the content of the records their children bring home," he said. Reported in: *Minneapolis Star and Tribune*, November 1.

## ensorship and libraries exhibit schedule

As reported in the January issue of the *Newsletter*, the National Endowment for the Humanities has funded a national tour of *Censorship and Libraries*, a part of the New York Public Library's highly acclaimed 1984 censorship exhibition. The itinerary for the tour is now complete and its journey to libraries in sixteen major cities throughout the country has begun. The tour started in Providence, Rhode Island, in March and will conclude in Washington, D.C. in October, 1987.

The exhibit will be in Chicago during July and August of this year, the period in which the windy city will host both the ALA Annual Conference (July 6-11) and the International Federation of Library Associations and Institutions (IFLA) Conference (August 18-24). The complete itinerary follows: Providence Public Library, March 18-April 30, 1985; Detroit Public Library, May 6—June 20, 1985; Chicago Public Library, July 3—August 25, 1985; Minneapolis Public Library, September 9—October 21, 1985; Seattle Public Library, November 12—December 22, 1985; Los Angeles Public Library, January 10—February 23, 1986; San Francisco Public Library, March 10—April 20, 1986; Phoenix Public Library, May 7—June 15, 1986; Salt Lake City Public Library, July 3—August 17, 1986; Denver Public Library, September 9—October 19, 1986; Kansas City Public Library, November 6—December 21, 1986; Dallas Public Library, January 12—February 22, 1987; New Orleans Public Library, March 11—April 22, 1987; Miami-Dade Public Library, May 11—June 21, 1987; Atlanta-Fulton Public Library, July 9—August 23, 1987; Enoch Pratt Free Library, September 10—October 30, 1987.

## NJLA takes strong stand on intellectual freedom

The New Jersey Library Association Executive Board has adopted the final draft of *Policies and Procedures for the NJLA Intellectual Freedom Committee*, reflecting the state association's belief that the Committee must actively fight against censorship and in support of the *Library Bill of Rights* and the freedom to read.

The document stresses formal and informal actions available to the Committee and establishes fact-finding procedures. Actions "of a positive nature" can include letters, offers of assistance, and the application of sanctions such as disclosure and censure. For a copy write: NJLA Office, Att: Intellectual Freedom, P.O. Box 1534, Trenton, NJ 08607.

## In review

**Keeping America Uninformed: Government Secrecy in the 1980's.** Donna A. Demac. Pilgrim Press, 1984. 180 p. \$15.95.

Donna Demac, a communications lawyer with a speciality in new information technologies, interviewed over forty congressional and government agency personnel about changes in federal information policies. Although the Carter Administration is highlighted, the major thrust of the book is on the Reagan Administration's policies.

Demac maintains that Reagan's restrictive policies have evolved as a result of three of his primary objectives: (1) to deregulate business; (2) to narrow the information-related responsibilities of government; and (3) to limit the extent of political debate about government policies. In this analysis, the Reagan Administration's initiatives included are: the amendments to the Freedom of Information Act; deregulation efforts; cut-backs in statistical data collection; development of more restrictive classification guidelines; establishment of secrecy restrictions on scientific research; and creation of obstacles to obtaining information from government agencies.

The Office of Management and Budget, Demac contends, has become the nerve center for the development of the government's restrictive information policy. In the early 1970's, as government programs expanded rapidly, a need was perceived for an agency to oversee the growing activities of government. Congress expanded the Bureau of Budget into the Office of Management and Budget. During the Carter years, the power of OMB was increased to give it an advisory role in regulation development. Finally in 1980, as a result of the Paperwork Reduction Act, OMB was given responsibility for improving the management of government information resources; overseeing statistical policy; guiding the implementation of protection of privacy; and reducing government paperwork. In ten years, OMB had grown from an accounting agency into an information management agency.

When Ronald Reagan became President, he appointed David Stockman to be OMB's Director. Stockman became the architect for most of the Reagan Administration's information policy. Through deep cuts in the budgets of many agencies and through mandated reductions in government paperwork, OMB was able to effect drastic changes in the government's information policies.

The Freedom of Information Act, which gives the public the right to access government records, has been

a major target of the Reagan Administration and its allies in Congress. In its "Security Classification Policy and Executive Order 12356," issued in 1982, the Administration established guidelines for increased document classification, including reclassification of information. In 1983, the "National Security Decision Directive 84" was issued. The Directive required all current and former government officials with access to classified information to submit their speeches and writings to the government for prepublication review. Congress, outraged by "NSDD 84," passed a resolution prohibiting its enforcement. Subsequently, President Reagan suspended the Directive.

Demac has provided an adequate overview of government efforts to restrict access to information. A general reader will find this title to be of interest. The serious student or researcher, however, will need additional materials, as *Keeping America Uninformed* does not provide an in-depth analysis of the policies and their long-term potential impact.—Reviewed by Bruce E. Daniels, Member, ALA Intellectual Freedom Committee and Deputy Director, Rhode Island Department of State Library Service, Providence.

**Censorship: A Guide for Successful Workshop Planning,** Linda Schexnaydre, Nancy Burns, and Emporia State University School of Library and Information Management. Oryx Press, 1984, 114 p. \$18.50. paperback.

The purpose of this guide is to "provide basic intellectual freedom principles and practical techniques for dealing with censorship problems in schools and public libraries." Its intended audience ranges from librarians to Friends' groups. The authors assume that speakers will "know about intellectual freedom issues pertinent to libraries" and that the coordinator will have workshop planning experience. The workshop plan presented has been field-tested by the authors and summative evaluation was used to improve the design. The Table of Contents is as follows: Part One—Planning the Workshop, Part Two—Conducting the Workshop, Part Three—Additional Workshop Ideas, Part Four—Materials for the Workshop, Part Five—Transparency Originals.

Part Four is the most useful section of the book. It includes such materials as questionnaires for participants, a quiz on censorship (the one developed by ALA/YASD is better), case studies, sample collection development

(Continued on page 90)



elsewhere. We have to make decisions about what we spend our money on."

Librarian Garcia said the books that were rejected from her order had been requested by students and faculty. "I have the authority to select my own titles based on my own judgment," she said. "These teachers are asking me to buy them and [the district] is saying we can't have them in the library."

Hayward High librarian Joyce Pendleton, whose \$3,737 budget bought 231 books last year, said she considered buying *Valley of the Horses* since *Clan of the Cave Bear* was so popular, but after reading the book about a young cavewoman decided "there is just page after page of her sexual awakening and mating. I just thought it was too much."

Some students think the librarians are sheltering them unnecessarily. They plan to suggest the district consider letting a student from each high school join the library council. "They don't need to change the whole thing," said student Alice Nickelson. "They just need to come to us a little more." Reported in: *Hayward Review*, February 10.

#### Castle Rock, Colorado

By a 4-2 vote, the Douglas County Board of Education February 5 banned two books from elementary school libraries, relegating them instead to special adult shelves where parents can first review them if their children wish to read them.

The books, *Albert Herbert Hawkins—The Naughtiest Boy in the World* and *Albert Herbert Hawkins and the Space Rocket* are by British author Frank Dickens. Critics charged that they advocate defiance of adult authority by showing misbehavior for which the protagonist goes unpunished.

Young Hawkins' antics were first brought to the attention of the school board by Kathleen Risner of Castle Rock, who filed a formal complaint with an ad hoc committee which reviews challenged materials. The committee, headed by the Rev. Edwin Anderson, reported to the board that both books exemplified a lack of respect for authority. "We're not talking about Nazi book-burning or censorship," Anderson said. But the committee recommended nonetheless that the books be "placed in an area of the library to be checked out only by adults."

Board member Bill Callahan would have gone further. "If it were up to me," he said, "I'd get rid of the books. Throw 'em out." Board member Joe Howard said, "I put these books in the same category as *Hustler* magazine."

The two books, written for first and second-graders, tell the story of a boy who scares the queen with a spider, sneaks into a space station, scaring everyone

with a mouse and then pushing the button to blast off the rocket. The books did not receive especially favorable reviews—according to *School Library Journal*, Dickens' style is "simple-minded" and his characters "witless"—but no reviewer mentioned disrespect for authority.

The decision drew criticism from educators and county residents. One woman in the audience at the board meeting wept at the decision. Another man complained, "I don't know what the books are about, but what you're doing here is dangerous."

Charlie Denis, a school principal in the district, was also upset. "I guess we'll have to build a glass-enclosed shelf for the book and let the students look, but not read." Board president Gail Schoettler was in the minority. "I don't like what we're doing here," she said. Board member Pieter Kallemeyn said he "has problems in establishing a separate shelf for a set of books. That means there are books that are free to read and others that aren't free to read and we will have to appoint someone to be keeper of that key."

Responding to the decision, the ACLU of Colorado placed an ad in a county newspaper seeking a plaintiff willing to challenge the board action. "The ACLU likes to think we are sensitive to parents' and school boards' concerns with providing direction for children," ACLU staff counsel David Miller said. "But any limitation placed on the availability of a work because of its content is immediately suspect. If the board can restrict access to these books, they might next look at writings by Thomas Jefferson, who has some pretty radical ideas. A spider is hardly as radical as talk about revolution." More than thirty parents responded to the ACLU ad, and the group announced March 1 that if the school board did not reverse its decision within thirty days a suit would be filed. Reported in: *Denver Post*, February 6, 7, March 1; *Rocky Mountain News*, March 2.

#### Oxford, Connecticut

The controversial game of *Dungeons and Dragons* is "demonic and Satanic," an Oxford resident informed the Oxford Library Board, and should be banned. According to Jerry Sullivan "you can't live in both worlds. In the ultimate end there is heaven and hell." By introducing children to another world, the game "cannot be of God and God says that anything that is not of him is of Satan." Sullivan charged that *Dungeons and Dragons* "involves rape, cannibalism, murder and the pulping of people's heads."

"I want to stress it is only a game," responded John Dean, an eighth grader who first asked permission to play the game at the library. "It is fantasy; it's all in your mind."

Sullivan said that while he does not want to create any

distance between himself and members of the library board, he could decide to take the matter to the town government if the game is allowed to be played at the library. "I can keep my children away from the game," he said, "but it is my duty as a Christian to inform people of what they're doing." Reported in: *Ansonia Sentinel*, February 7.

#### **Polk City, Florida**

Rocky and Linda Scott were worried when their daughter Melissa, refused to go to bed after seeing a filmstrip of author Madeleine L'Engle's Newberry Award-winning story "A Wrinkle in Time." She told them she was afraid of seeing red eyes staring at her, the way they had in the filmstrip shown her fourth-grade class at Polk City Elementary School. After seeing the filmstrip and reading the story themselves, the Scotts filed a complaint asking to have both removed from the school's media center.

"They were making evil into good . . . taking evil things and trying to make good out of it," contended Scott, pastor at Winter Haven's Eastside Assembly of God. "A witch is not good. A crystal ball is not good."

"We didn't want to cause any problem, but we are concerned about what they're learning in school," Mrs. Scott said, adding that she "could not see any value in the film at all."

L'Engle's story is about two children and a friend who travel to another planet and rescue the children's father from an evil force. They are aided by three extraterrestrial beings. According to Principal John Mesknes, pupils are introduced to the story as science fiction, one type of literature covered when they study fiction. "This is a book that's on all accepted lists. There really shouldn't be a problem with it," he said.

But the Scotts argued that the story's purpose is to promote witchcraft, crystal balls, the power of the mind and demons. They objected to it for saying the power of the mind can override evil. In filling out the district's complaint form, the couple noted that they wanted the story withdrawn from all students, adding a handwritten "Burn it." "Maybe we were a little harsh in saying 'Burn it,'" Mrs. Scott later admitted.

Under the district's review procedure, Mesknes could decide to retain the story or refer it to a five-member committee for review. Appeal procedures are listed if the committee prohibits using the material. None are listed if the principal retains a book, but the Scotts can take their complaint to the district superintendent. Reported in: *Lakeland Ledger*, March 12.

#### **Logansport, Louisiana**

The DeSoto Parish Library Board of Control agreed to investigate access policies at its Logansport branch

February 25 following complaints about the circulation of "adult" books to young readers. The books in question are *The Joy of Sex: Gourmet Style* and *How to Make Love to a Man*.

Board president Felton Shamlin said several complaints were received concerning the availability of the books to readers under age 18. "We're certainly going to take a close look at the expressed concerns of the local residents there," Shamlin said. "There's nothing wrong with the library handling the adult books but there is a problem if they are being given to young readers."

Wood Springs resident Joy Johnson, a columnist with a Logansport newspaper, said she first complained about the books after receiving calls from several parish residents. She said her complaint was not against the books' presence in the library, but that they were on the shelves rather than under the counter.

"We're appalled," she said. "The same books in our library are in the library in Shreveport, but you've got to be 18 to check them out there. Here you can get them off the shelf and if a 14-year-old wants to take it home all he needs is a note from his parents. These books are dirty and they shouldn't be able to have them. They can easily forge a note. The particular books that I picked out are not educational—they're more pornography than educational." Reported in: *Shreveport Times*, March 2.

#### **Bradford, New York**

The Bradford School Board ordered the Stephen King novel *Cujo* removed from the shelves of the school library February 21. Board members disagreed whether the ban was permanent or temporary. They did agree, however, to form a committee to review other potentially "offensive" library materials.

Board member Sandra Rogers said the decision to remove the book came after five minutes of discussion. This was confirmed by Board President Roger Selander, who asked, "How long does it take to read a few passages?"

Attention was first drawn to the novel by the parents of an eighth grade student. The student signed *Cujo* out of the library and then went to his parents to ask if he should be reading the book. Selander said the parents "showed it to me and we discussed the material."

Selander decided to present the book to the school board for review. The board read pre-marked passages, with added emphasis on one that described an act of masturbation. "We didn't read the entire book, but there was no need to," said board member Henry Bonarski. "We wanted it removed because it was a bunch of garbage." Rogers, who made the motion to ban the book, said, "I read one half of one paragraph

and I wouldn't read the rest of it."

Selander said he suggested establishing a committee to review materials in the school library and the board directed Superintendent Kenneth Connolly to form such a group. The committee will consist of concerned citizens, teachers and the school librarian. With respect to *Cujo*, Connolly said that "the book has been pulled temporarily until the committee can review it."

Connolly said the committee would be an advisory body to the board and would "serve to review books that have been found offensive [by parents]." Bonarski said that he understood "the committee will go through all the books and recommend which ones should be reviewed by the board."

"The committee will be reviewing other books brought up by the national news services—ones that have stirred controversy." Selander said the board will "ask the committee to narrow down certain 'red letter' books." The board will then decide which of these books need further study. "The committee will also review selection material that the librarian uses. We can't waste taxpayer money on mistakes like this one," added Rogers.

Selander said Bradford's current book selection policy "is not working. Hopefully we can keep materials like these out in the future." According to current policy, the "board denies the right of any parent or group of parents to determine what materials may be used for pupils other than their own children." Stressing the "right to read," the policy states, "to deny the freedom of choice in fear that may be unwisely used is to destroy the freedom itself. The right of any individual not just to read but to read whatever he or she wants to read is basic to a democratic society."

The district's reconsideration form asks citizens who object to library materials to be specific in their objections and inquires whether they've read the entire work. Reported in: *Corning Leader*, March 13.

#### Minot, North Dakota

As of mid-January, the book review committee established by Minot Public School Board member Zoanne Flickinger had reviewed at least forty books. The committee is not an official body of the school board and several board members have criticized its activities (see *Newsletter*, January 1985, p. 9; November 1984, p. 185). In January, the committee, composed of Flickinger, Judy Hovde and Adair Nermyr, visited the library at Jim Hill Junior High School. They checked out *The Death Penalty*, by Leonard Stevens; *Shoplifting*, by Dorothy Francis; *Girls are Equal, Too*, by Dale Carlson; *Out of the Cauldron*, by Bernice Cohn; *Our Overcrowded World*, by Tadd Fisher; *Claudia, Where are You?*, by Hila Colman; *Are You There,*

*God? It's Me, Margaret*, by Judy Blume; *The Late Great Me*, by Sandra Scoppettone, and *The Divorce Express*, by Paula Danzinger.

In addition, Flickinger and Hovde made a second visit to the Minot High School Magic City Campus, checking out seven more titles. Earlier trips to that campus had netted the group some 24 books. The seven books are: *The Future of Motherhood*, by Jessie Bernard; *Breaking the Sex Role Barrier*, by Robert H. Loeb; *The Issue of Gun Control*, by Thomas Draper; *User's Guide to Computer Crime*, by Stephen W. Leibholz; *Witches*, by Nancy Garden; *Gun Control*, by Edward Dolan; and *The Facts of Love, Living, Loving and Growing Up*, by Alexander Comfort.

At a December school board meeting, Flickinger and board president Dennis Lilleberg were defeated in an effort to get the board to contribute \$350,000 to a city arena, which would include a hockey rink and convention facilities. The addition, Flickinger said, was a good cause: "I would rather see these children on the ice than in the libraries as of now." The current district budget includes a \$98,000 appropriation for purchase of library materials, up from \$18,000 the year before when funding was tight.

"Even \$18,000 is too much for what I'm finding," Flickinger said. "What are you finding?" asked board member Stuart Summers. "You'll find out," Flickinger responded. Reported in: *Minot Daily News*, December 11, January 16.

#### Stroudsburg, Pennsylvania

Fifteen books were banned from the Stroudsburg High School library—including bestsellers by authors Irwin Shaw, Judith Krantz, Joseph Wambaugh and Jean M. Auel—because the works contain "graphic and obscene" passages, school superintendent Salvatore J. Illuzzi said January 18. Principal Karl Dickl ordered the books removed two weeks earlier after he and several school officials agreed they were inappropriate for high school students, according to Illuzzi.

"The story lines contained language and scenes that, in my opinion, were graphic and obscene," said Illuzzi. The final decision to remove the books was made, however, by Dickl, who told the student newspaper that the books were "blatantly graphic, pornographic and wholly unacceptable for a high school library."

The controversy began last spring when Illuzzi read *The Seduction of Peter S.*, by Lawrence Sanders. He asked Dickl to read the book and then school librarian Theodore Good reviewed it. "They came to the conclusion that it shouldn't be on the shelf," Illuzzi explained. Illuzzi then read *Star Witness*, by Richard Kluger, and decided that book too should be removed. Dickl, two

assistant principals and a private citizen also read the book and concurred, according to the superintendent. According to the student newspaper, Dickl said *Star Witness* contained about fifty homosexual and heterosexual references and did not meet the moral standards of the school and the community.

Good then searched for and removed books similar in nature to *Star Witness* and *The Seduction of Peter S.* The additional books removed were: *Beggar Man, Thief and Nightwork*, by Irwin Shaw; *The Black Marble, Delta Star, The Glitter Dome and The New Centurions*, by Joseph Wambaugh; *The Chocolate War*, by Robert Cormier; *Blood Brothers*, by Richard Price; *Changes and Crossings*, by Danielle Steel; *A Green Desire*, by Anton Myrer; *Mistral's Daughter*, by Judith Krantz; and *Valley of the Horses*, by Jean M. Auel.

Illuzzi said steps were being taken to ensure that similar books are not acquired in the future. "We're reviewing the procedure of procuring books," he said. Illuzzi said he and other school officials were justified in removing the books and that no one had objected. "The students and community probably would be supportive," he said. Reported in: *Pocono Record*, January 19; *Easton Express*, January 20.

#### **Bastrop, Texas**

A complaint about a book in the Bastrop Public Library by the mother of a junior high school student has become a movement to rid Bastrop County drive-in stores of adult magazines.

"It's not a popular thing," said Alice Roberts of her protest. "We're not getting rich. I had to make a heavy decision. I had to take a stand, not just for the sake of my own children. Pornography is not defended by the First Amendment."

Under attack is *Valley of the Horses*, by Jean M. Auel. The best-selling novel, a sequel to *Clan of the Cave Bear*, is about human relationships at the dawn of civilization. Mrs. Roberts claimed the book violates Texas obscenity laws.

Mrs. Roberts' daughter was twelve when she got the book from the adult fiction section of the library in November. She had gone to the library with an advanced reading group from Bastrop Middle School. "My daughter enjoys animal, nature stories," Mrs. Roberts said. The cover, which shows snow-covered mountains, a herd of horses, and the back of a golden-haired man, is deceptive and does not suggest the book's contents, she said. "My child was embarrassed about the book. Her life has been changed by this and not for the good," Mrs. Roberts charged.

Roberts and other members of Citizens for Morality, which was recently formed in Bastrop County, picked up forms from the library to file a formal request that

the book be placed in a restricted access area. The group also began targeting stores that carry magazines like *Playboy*.

Librarian Putzie Martin said, "The library believes the parents should police their children. What we don't want to do is censor. We're just saying the parents act as censor. We're not a police state."

Nell Herndon, library board chair, also defended the library's open access policy. If books were removed because of complaints about content, the library "would have to remove the dictionary and Bible and umpteen other things," he said. "I'm not saying she is wrong in her beliefs, but free speech, free press, and the freedom to read are everyone's rights." Reported in: *Austin American-Statesman*, February 2.

#### **Seattle, Washington**

Seattle's chief librarian, Ron Dubberly, is under fire from the King County prosecutor's office for keeping on library shelves the controversial sex education book *Show Me!* The book, which might be illegal under the state's new child pornography law, has been in the library for four years.

Three women representing the Eastside Citizens for Decency Through Law asked King County Prosecuting Attorney Norm Maleng February 5 to review the book. Deputy Prosecutor Robert Lasnik, Maleng's chief of staff, announced March 1 that the prosecutor's office had analyzed the book and believed it inappropriate for the library collection. Maleng, who declined to publicly discuss the reasons for that opinion, said his office had not determined whether the book actually violates the state law. Under the law, it is a felony to distribute child pornography and a gross misdemeanor to possess it.

"I'm sure they [the prosecutor and the library staff] will get together behind closed doors and resolve the issue without dragging anyone off to jail," Andrea Vangor, one of the complaining women, told reporters in February. When the library board announced that it would meet with Lasnik and three other witnesses opposed to the book only in closed session, however, Vangor complained that the board was "not accountable to the public. They don't want people to know how they are making their decisions. Paul Conrad, executive director of Allied Daily Newspapers, also complained that "under no circumstances should those be closed meetings."

Dubberly said that Vangor's complaint to the library would be reviewed the same way as any complaint about library materials. Library staff would review the book and report to Dubberly on whether it meets selection criteria. "We have to meet the entire needs of the community," he said, "but we will do so only within the law. This is a new situation," he added, since it involves

a state law adopted only after the 1982 Supreme Court ruling which gave states the right to outlaw child pornography, in the process carving out a new and vaguely defined exception to the First Amendment.

Vangor said her group is trying to get the library to drop other offensive material as well, including films and magazines that allegedly encourage and depict sexual violence against women and children. Last year the library rejected a Vangor demand to remove *Playboy* and similar magazines which feature female nudity. Reported in: *Seattle Times*, January 31, February 6, March 2; *Seattle Post-Intelligencer*, March 2.

### **Gillette, Wyoming**

Alleged pornographic material in Campbell County School District libraries is the target of The Paul Reveres of America, a Wyoming-based organization which plans to "go national." An advertisement placed by the group in the *Gillette News-Record* January 10 charged that county school libraries contain books which instruct children in how to perform homosexual acts and contain photographs of sexual intercourse. The ad also charged that the "religion of humanism" is taught in "all public schools" and implied a connection between "X-Rated School Porn" and increasing teenage pregnancies, venereal disease, AIDS and teenage suicides.

"The group started in Wyoming years ago, but just never got going," explained member Dick Mader. "The group has received letters from people around the United States interested in joining, and recently we decided to go nationwide with the organization." Mader said the group stands for "the Constitution and traditional family values. We're a God-and-Country-type organization." Reported in: *Gillette News-Record*, January 9, 10.

## **schools**

### **Palm Beach, Florida**

Saying they regard criticism of a health textbook as an attempt to censor and introduce religion into the Palm Beach County school curriculum, a coalition of clergy and community leaders told the school board January 23 that they would fight such efforts. The Rev. Arthur Stephenson of First Presbyterian Church in Boca Raton, speaking for the Coalition for Quality Education, said the group would fight the effort "to configure our school system to the stands of extremely conservative Christian concepts."

The coalition was organized after the seventh-grade textbook, *Let's Talk About Health*, was criticized by more than 300 parents at the board's January 8 meeting. Those parents argued that the book's discussion of moral issues, which they charged was a form of values clarification, undermined religious values learned at home. Reported in: *Palm Beach Post*, January 24.

### **Burlington, Iowa**

The Multicultural Nonsexist Curriculum Advisory Committee has been checking over Burlington curriculum materials for eight years, looking for racial and sexual prejudices in materials which might interfere with education. At its January meeting, the committee for the first time suggested a restriction on a literary work—Mark Twain's *The Adventures of Huckleberry Finn*, widely used in the high school curriculum.

It was a reported concern among students that brought Huck under scrutiny, curriculum director Larry Meyers said. The result was a February 8 letter to high school language arts department head Dick Ford, advising him that "whenever possible, if there seems to be difficulty with the use of this book, the classroom teacher should consider another one of Twain's novels or some other work."

Ford said, however, that the memo from Meyers would not affect high school curriculum choices. "Huck Finn's unique because it's Huck Finn," he said. "I don't see that there is any replacement."

Reacting to early reports that the Twain classic had been censored, school board member Ellen Fuller said, "It is not the policy of this district to restrict the use of materials in our schools."

Rev. J. A. Twillie, member of the education committee of the Burlington NAACP, said that use of the word "nigger" in *Huckleberry Finn* made it an offending work. "It shouldn't be a mandatory book," he said. "I don't see that the art involved is more important than offending the student. I'm not saying ban the book," he added, but allowing students who were offended to read some other work "ought to be an easy solution." Reported in: *Burlington Hawk Eye*, February 22.

### **Kansas City, Missouri**

The parents of a Kansas City junior high school student asked the local school board to ban the 1961 Pulitzer Prize-winning novel *To Kill a Mockingbird*, by Harper Lee, from classroom use. "I think the book should not be in the classroom for any child," said Mary Thompson.

She and her husband, the Rev. Robert Thompson, whose son is a student at Park Hill North Jr. High School in north Kansas City, asked the Park Hill School

Board to remove the novel from the language arts curriculum. The book explores bigotry and prejudice in a Southern town in the 1930s. The Thompsons, who are black, brought their case before the school board February 28. On two previous occasions, the board denied their request to discontinue use of the book. Reported in: *Paducah Sun-Democrat*, February 22.

#### **Creswell, Oregon**

After deadlocking 3-3 at an initial discussion of the issue December 13, the Creswell School Board voted 4-3 five days later to continue use of a textbook, *Seven Arrows*, by Cheyenne Indian Hyemeyohsts Storm which had drawn criticism from parents and a curriculum committee because it contains references to masturbation, rape and incest (see *Newsletter*, March 1985, p. 45). Parents will be urged to review the book, however, when their children sign up for the elective course on American Indians. The board will advise parents that the text is controversial.

While objections to the 374-page book centered on three pages with allegedly pornographic passages, parent Connie Bugbee also objected to the book's philosophy. Supporters of the book, including teachers, students and Indian groups, described the work as a sensitive and accurate portrayal of Plains Indian culture.

The compromise decision proposed by board member Norm Few, who was absent at previous discussions of the issue, followed the defeat of two opposing motions. A motion for unrestricted use of the book failed 5-2, while a motion to use the book only as a reference, as the curriculum committee suggested, failed 4-3.

After the *Seven Arrows* issue was settled, the board decided to review its procedures for selecting instructional materials and handling challenges. Reported in: *Eugene Register-Guard*, December 18.

#### **Richardson, Texas**

Parents' fears that a play featuring a teacher's suicide would promote teenage suicides prompted the principal of Berkner High School to ban its performance on campus. Fifteen Berkner seniors will be allowed to perform *The Children's Hour*, by award-winning playwright Lillian Hellman, only at the University Interscholastic League drama competition before an audience composed principally of judges and other drama students, but not to the general public at their own school.

The parents who complained to principal Ron Parks said the move was necessary considering the alarming number of teen suicides in the area. Four Richardson students have killed themselves, and in nearby Plano,

eight teenagers have taken their own lives in the last two years. In January, an Arlington student killed himself in his high school drama class. In November, a Berkner English teacher committed suicide.

"In view of what has happened this year, this smacks of psychodrama," said Sharon Parry, whose daughter is in the drama class. "You do not have to read very far to know that professional actors go through depression after performing certain roles."

"The play deals with human relationships, but obviously there are always people who will not see that association," principal Parks said. "Personally, I feel a tremendous responsibility for the welfare of the students, and one cannot take a risk that would jeopardize that welfare."

Shelley Davies, the play's student director, said the controversy over the suicide scene, which she modified to show greater grief by the survivors, had been blown out of proportion. "If I thought this play would cause one person to commit suicide, we would not do it," Davies said. Reported in: *Dallas Times-Herald*, February 13.

## **colleges and universities**

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

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Director Ray Sawyer said the scene was not "sensational" and indicated he believed it would not generate controversy unless a "big issue" was made of it. He said

the character's topless appearance was an "integral part of the production."

One Clemson student had tried out for the part, but refused to do the scene unclothed. Celeste Padgett said she would refuse the director's instructions to play the scene topless because she didn't think it necessary. "In this area, here in the Bible Belt, I don't think it is [acceptable] to do the scene nude," she said. "In New York it might be OK."

Cox emphasized that the student was not denied the part because she refused to appear topless. "Every casting decision is made solely on the basis of talent and suitability for the role," he said. Reported in: *Charleston Post*, February 20.

### Arlington, Texas

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In addition to opposing *The Story of O*, the students called for a ban on any future showings of X-rated movies. "There are a lot of other areas people can go to see X-rated movies. They don't need to see them on campus. Our money is being used to show movies we wouldn't be caught dead going to," said Greg Sullivan, leader of the group.

While two other groups of students began counter-petitions supporting the film council's right to show the films, State Sen. Bob McFarland (Rep.-Arlington) and Rep. Jan McKenna (Rep.-Arlington) entered the controversy. "I indicated to university officials that if state facilities are being used, I objected to the showing of X-rated films," McFarland said. "I said I didn't think it was appropriate." But a university administrator said he would not force the film council to cancel the showings. Reported in: *Fort Worth Star-Telegram*, January 29, 31, February 15.

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In the police-censored scene of Sam Shepard's *The Curse of the Starving Class*, the character Wesley was to walk nude across the stage for about fifteen seconds. But on February 8, shortly before Wesley was to disrobe for the play's fourth performance, University police said there had been a complaint from a father whose 14-year-old had seen the play. The police ordered Wesley to don a towel.

The order came, play officials said, when no one who could rule on the legality of the issue could be reached. "Come to find out, we were well within the law to include the nude scene in the play, and why shouldn't we be," said drama department chair Lavahn Hoh. "Artistically, that's the way the playwright wrote it, so who are we to change his words? The whole thing was just an incredibly huge colossal misunderstanding." For the play's fifth and final performance, Wesley again appeared without cover.

University Police Sgt. Charles E. Tyler Jr. said police are still unsure about the issue. "We are in conference with legal authorities to narrowly define the legality of nude scenes," he said. Reported in: *Charlottesville Progress* February 22.

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Board to remove the novel from the language arts curriculum. The book explores bigotry and prejudice in a Southern town in the 1930s. The Thompsons, who are black, brought their case before the school board February 28. On two previous occasions, the board denied their request to discontinue use of the book. Reported in: *Paducah Sun-Democrat*, February 22.

#### **Creswell, Oregon**

After deadlocking 3-3 at an initial discussion of the issue December 13, the Creswell School Board voted 4-3 five days later to continue use of a textbook, *Seven Arrows*, by Cheyenne Indian Hyemeyohsts Storm which had drawn criticism from parents and a curriculum committee because it contains references to masturbation, rape and incest (see *Newsletter*, March 1985, p. 45). Parents will be urged to review the book, however, when their children sign up for the elective course on American Indians. The board will advise parents that the text is controversial.

While objections to the 374-page book centered on three pages with allegedly pornographic passages, parent Connie Bugbee also objected to the book's philosophy. Supporters of the book, including teachers, students and Indian groups, described the work as a sensitive and accurate portrayal of Plains Indian culture.

The compromise decision proposed by board member Norm Few, who was absent at previous discussions of the issue, followed the defeat of two opposing motions. A motion for unrestricted use of the book failed 5-2, while a motion to use the book only as a reference, as the curriculum committee suggested, failed 4-3.

After the *Seven Arrows* issue was settled, the board decided to review its procedures for selecting instructional materials and handling challenges. Reported in: *Eugene Register-Guard*, December 18.

#### **Richardson, Texas**

Parents' fears that a play featuring a teacher's suicide would promote teenage suicides prompted the principal of Berkner High School to ban its performance on campus. Fifteen Berkner seniors will be allowed to perform *The Children's Hour*, by award-winning playwright Lillian Hellman, only at the University Interscholastic League drama competition before an audience composed principally of judges and other drama students, but not to the general public at their own school.

The parents who complained to principal Ron Parks said the move was necessary considering the alarming number of teen suicides in the area. Four Richardson students have killed themselves, and in nearby Plano,

eight teenagers have taken their own lives in the last two years. In January, an Arlington student killed himself in his high school drama class. In November, a Berkner English teacher committed suicide.

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## **art**

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*(Continued on page 95)*

## from the bench



### U.S. Supreme Court

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The vote affirmed a ruling by the U.S. Court of Appeals for the Tenth Circuit that an Oklahoma law permitting the dismissal of a teacher for "advocating" or "encouraging" homosexuality violated the First Amendment. Under Supreme Court rules, a tie vote automatically affirms the lower court's judgment in the case under review, but does not serve as precedent for other cases.

In this instance, there are not similar cases pending since Oklahoma had the only such law in the country. The law was enacted in 1978 at the urging of then anti-homosexual advocate and entertainer Anita Bryant.

The case, *Board of Education v. National Gay Task Force*, was argued while Justice Powell was recuperating from surgery. The court ordered reargument in three other cases Powell had missed, presumably to enable him to participate and thus break some tie votes, but it was not clear why the court did not take this course with the Oklahoma case. One possibility is that Justice Powell did not want to participate.

The appellate court ruled that the law was too broad and unconstitutional "on its face" because it prohibited speech deserving of constitutional protection. A teacher's First Amendment rights may be restricted only to the extent needed to prevent disruption of the normal activities of the school. The Court of Appeals upheld another section of the statute under which a teacher could be dismissed for public homosexual activity, as opposed to mere advocacy. The part of the ruling was not appealed and was not before the Supreme Court. Reported in: *New York Times*, March 27.

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In their dissenting opinion in *Rowland v. Mad River District*, Justices Brennan and Marshall said that "homosexuals constitute a significant and insular minority of this country's population." They said that "because of the immediate and severe opprobrium often manifested against homosexuals once so identified publicly, members of this group are particularly powerless to pursue their rights openly in the political arena."

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## **schools**

### **Augusta, Maine**

A Superior Court judge ruled February 14 that a lesbian's right to freedom of speech was not violated when a school board canceled a Tolerance Day program in which she was to have appeared. The judge, Donald G. Alexander, also refused to order officials of School Administrative District 59 to reschedule the event, saying homosexuals had no special protection under federal or state laws.

The symposium, which was to have included representatives of several minority groups, was canceled because of fear that the event would be disrupted by people opposing participation by Dale McCormick, president of the Maine Lesbian-Gay Political Alliance. School Superintendent Robert E. Woodbury said at a hearing that before the board's decision he tried to have McCormick removed from the event. Reported in: *New York Times*, February 15.

### **Mead, Washington**

On February 22, a panel of the U.S. Court of Appeals for the Ninth Circuit reached a decision in the celebrated case of *Grove v. Mead School District* in which taxpayers and parents of a student brought action alleging that the Mead School Board's refusal to remove *The Learning Tree*, by Gordon Parks, from the sophomore English literature curriculum because of the parents' religious objections violated the First Amendment.

The appellate court upheld the verdict of the U.S. District Court for the Eastern District of Washington which had granted summary judgment to the defendant school board. With Judge Eugene A. Wright presiding, the appellate court found that the school board did not violate the free exercise clause and that use of the book did not constitute establishment of religion.

There was, the court declared, no coercion involved, because the student was assigned an alternate book as soon as the objections were raised. Moreover, since the book had been included in a group of religiously neutral books in a review of English literature, as a comment on an American subculture, its use did not constitute establishment of religion or anti-religion. Reported in: *West's Federal Case News*, March 8.

## **evolution and creation**

### **Baton Rouge, Louisiana**

Louisiana Attorney General William Guste said that the state would appeal a January 10 ruling against re-

quiring the teaching of creationism in public schools alongside the theory of evolution.

U.S. District Court Judge Adrian Duplantier said the creationism law violated the separation of church and state by promoting the beliefs of some religious sects. He said the three-year-old law was so clearly unconstitutional that a long, expensive trial was not needed.

This was the second time Duplantier ruled against the law. Two years earlier he found it unconstitutional, but the case went to a federal appeals court, to the state Supreme Court, and then back to Duplantier. The law, passed in 1981, has never been enforced. Reported in: *Shreveport Journal*, January 11.

## **minors' access**

### **Denver, Colorado**

On February 25, the Colorado Supreme Court threw out a state law that prohibited stores from displaying *Playboy* and similar magazines where children could see them. The court's decision also threw out another part of that law banning sale of sexually explicit magazines to minors. The court said the law was written so broadly that it infringed on the rights of adult readers, store owners and publishers.

Most stores had complied with the law by putting adult magazines behind checkout counters in special racks which covered the fronts of the magazines. The display portion of the law was earlier declared unconstitutional in 1982, but at that time the section of the law prohibiting actual sale of sexually explicit material to children under 17 was upheld.

Responding to a legal challenge by The Tattered Cover Bookstore and others, the state's highest court threw out the entire law. "Statutes designed to restrict children's access to sexually explicit materials must be narrowly drawn," Justice William Neighbors wrote for the majority. "The state cannot prevent adults from reading or having access to these materials on the ground they would be objectionable if read or seen by children. A display provision will be upheld if it is so narrowly drawn that it has only an incidental effect on the bookseller's right to sell adult materials and an adult's ability to purchase them."

In a separate ruling with profound implications for libraries, the court declared unconstitutional a section of the state's general obscenity law. The decision threw out the portion of the law that created exceptions and allowed "accredited" outlets, such as university libraries, to have obscene materials. The court said the law doesn't define "accredited," making that section

unconstitutionally vague, and that creating two classes of distributors of materials violated equal protection guarantees.

The court also voided provisions of the obscenity law which dealt with "patently offensive" materials, booksellers' liability for selling obscene materials, and the sale of sexual devices. Reported in: *Denver Post*, February 26.

### **Minneapolis, Minnesota**

On February 25, a federal judge upheld a Minneapolis ordinance requiring sexually provocative books and magazines to be wrapped when offered for sale in places where a minor might see them. The ordinance was passed in July by the Minneapolis city council and took effect January 1.

In a 40-page decision, U.S. District Court Judge Harry MacLaughlin said the ordinance—with one exception of concern to librarians—did not violate the U.S. Constitution's freedom of speech safeguards. "The people of Minneapolis, acting through their elected City Council, are entitled to provide protection to their children from materials that are harmful to minors," MacLaughlin ruled. "This ordinance affords such protection within the limits of the U.S. Constitution."

Attorney Randall Tigue, who represented the plaintiffs, said the ruling would probably be appealed. He also credited the litigation for forcing the City Council to amend the ordinance to apply only to sexually explicit materials, rather than extending as well to material depicting nudity.

MacLaughlin did strike down one section of the ordinance. It exempted organizations like schools, museums, religious institutions, medical facilities and public libraries. MacLaughlin said there was no need to exempt such organizations as long as they use such material for sex education or other noncommercial purposes. The courts have already said that such use is permissible. Reported in: *Minneapolis Star and Tribune*, February 26; *St. Paul Pioneer Press*, February 26.

## **political expression**

### **New Haven, Connecticut**

A federal judge ruled January 14 that an ordinance passed last March by West Haven's Common Council effectively preventing the Ku Klux Klan from holding a rally on the West Haven Green is unconstitutional. "The lack of clear, reasonable and definite standards is fatal to the challenged ordinance," U.S. District Court Judge Ellen Bree Burns declared in her decision preven-

ting the city from enforcing the regulation. The ordinance required all groups seeking to rally at the Green to obtain both permission from the director of parks and recreation and a bond to cover anticipated police and maintenance expenses.

The KKK, which was three times denied a permit to rally under the ordinance, filed suit against the city, its council and various city officials. Although Burns termed the goals of the white supremacist group "ignoble," she concluded that the plaintiffs "have demonstrated that their attempts to exercise their First Amendment rights have been previously hindered by the defendants."

Burns said that the ordinance provided "absolutely no standards by which the director . . . is to decide whether to issue a permit. . . . The ordinance treats the First Amendment as a privilege to be bought rather than a right to be enjoyed. . . . It is society that should bear the expense, however great, of guaranteeing that every idea, no matter how offensive, has an opportunity to present itself in the marketplace of ideas." Reported in: *Bridgeport Post*, January 16.

## **cable TV**

### **Los Angeles, California**

In a ruling that may affect hundreds of cable television cases nationwide, a federal appeals court said March 1 that Los Angeles was in violation of free speech rights by using an auction system that permits only one cable television franchise holder in each region of the city.

Exclusive licensing of cable television, when several companies could physically operate and meet the city's legitimate conditions, "creates an impermissible risk of covert discrimination based on the content of or the views expressed in the operator's proposed programming," a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit ruled.

"Allowing a procedure such as the city's would be akin to allowing the government discretion to grant a permit for the operation of newspaper vending machines located on public streets only to that newspaper that the government believes 'best' serves the community," Judge Joseph Sneed wrote.

A suit by Preferred Communications challenging the licensing system was dismissed by U.S. District Judge Consuelo Marshall. The appeals court agreed with her that the system did not violate antitrust laws, but returned the case to her court to consider the First

Amendment challenge. Reported in: *Los Angeles Times*, March 2; *Washington Post*, March 2.

## shopping malls

### Trenton, New Jersey

A state appeals court refused January 11 to rule whether shopping mall owners can prohibit political candidates from distributing campaign literature on mall grounds. The three Appellate Division judges who heard the case said that because Eric Gerstmann, an unsuccessful candidate for a seat on the Bergen County Board of Freeholders, and his father-in-law were found not guilty, it was unnecessary for the judges to decide whether a shopping mall can lawfully bar citizens from distributing literature.

The state had appealed the verdict. Although the state is normally not permitted to appeal acquittals because that would amount to double jeopardy, the defendants waived that right to get a ruling on the constitutional question of free expression raised by the case. The court, however, said that reopening the question would, indeed, constitute double jeopardy and dismissed the appeal. Reported in: *Newark Star-Ledger*, January 12.

### New York, N.Y.

Protesters have a right under the New York state constitution to hand out leaflets in privately owned shopping centers, a state appellate court ruled February 4. In a 3-2 decision, the Appellate Division, Second Department, held that the free speech provisions of the New York constitution prevail over the property rights of mall owners.

The decision, which upheld a lower court ruling, marked the first time an appellate court in New York has ruled on the extent of free speech rights in shopping centers. The case involved the Smith Haven Mall on Long Island. By virtue of its "size, location and operation," the court held, the mall had "undertaken the character and attributes of a downtown business district or town," where free speech rights must be protected.

"Smith Haven Mall provides one of the most—if not the most—effective forums for reaching the populace with expressive activity," Justice Richard A. Brown wrote for the majority. "The trend away from downtown shopping areas as the gathering place for the citizenry," he continued, "should not become a vehicle for eroding the ability of those seeking to exercise their expressional freedoms to find an effective forum for the communication of their ideas."

Joining in the majority decision were Justices David T. Gibbons and Geraldine T. Eiber. Justices James F. Niehoff and Isaac Rubin dissented, charging that, under the decision, "the property owner's rights are trampled upon or disregarded." Reported in: *New York Times*, February 5; *Newsday*, February 5.

## libel

### Rapid City, South Dakota

The South Dakota State Circuit Court threw out a libel suit brought by an FBI agent against Viking Press, author Peter Matthiessen and Bruce Ellison over *In the Spirit of Crazy Horse*. The court found that it lacked jurisdiction over Viking and Matthiessen. It also found that comments made by Ellison, an American Indian critical of the government, which appeared in the book, were "in and of themselves" only "a very generalized opinion" that is not "defamatory."

Viking attorney Martin Garbus said the decision was important because it went against the grain of a series of U.S. Supreme Court rulings that had the effect of making it easier for libel plaintiffs to sue in whichever state they wanted.

The plaintiff, David Price, who now lives in Minnesota, resided in South Dakota from 1973 to 1977 while working for the FBI. He argued that statements appearing in *In the Spirit of Crazy Horse* libeled him. Since it was published in 1980, the book has been the subject of several suits, including a libel suit by South Dakota Governor William Janklow, who also attempted to stop South Dakota booksellers from distributing the book. Janklow's claim was denied and he is currently appealing.

In the Price case, Judge Merton B. Tice, Jr., ruled that Viking does not do enough business in South Dakota to establish the legally necessary "contact" and that if Price was harmed, it was not in South Dakota. The judge emphasized, however, that he was judging only the issue of jurisdiction, not the merits of the libel claims brought by Price against Viking and Matthiessen. Reported in: *Publisher's Weekly*, February 15.

## publishing

### Philadelphia, Pennsylvania

In an important First Amendment ruling, a federal appeals court in Philadelphia February 26 barred federal prosecutors from enforcing a subpoena deman-

ding notes, documents and other materials from the author of a disputed biography of Pope John Paul II. The U.S. Court of Appeals for the Third Circuit ruled that the government could not intrude into a citizen's freedom of expression, nor use the grand jury system to investigate whether the book was "the truth."

Last year, federal prosecutors began a fraud investigation against Antoni Gronowicz, whose book had been denounced as a fraud by church officials and his publisher after the author's claim to have personally interviewed the Pope was disputed by the Vatican. In October, a grand jury subpoenaed the author's notes, documents, correspondence and records relating to the book (see *Newsletter*, January 1985, p. 23).

"The First Amendment protects the author of a book from being forced, pursuant to a federal grand jury subpoena investigating allegations of mail and wire fraud, to produce documentation for the purpose of proving the truth of statements contained in this book, unless the government has come forward with a compelling interest to justify this method of investigation," Judge James Hunter, III, wrote for the court majority.

Gronowicz was represented by former U.S. attorney general Ramsey Clark, who called the decision unprecedented. "It is a case of first impression, a case of fundamental importance to the First Amendment," Clark said. "It protects the precious right of free speech."

In a concurring opinion, Judge A. Leon Higgenbotham, Jr., said he had "serious reservations" about the majority decision's ruling that "fraudulent statements are entitled to First Amendment protection." He agreed with the end result of the decision, he said, but could not join in its finding that "the First Amendment prevents the government from investigating possible fraud." Reported in: *Philadelphia Inquirer*, February 27.

## prisoner rights

### Attica, New York

A federal appeals court February 5 upheld the right of inmates in New York state prisons to receive a report highly critical of the Attica prison administration. The state's Correction Commissioner had ordered the report withheld from the prisoners. The U.S. Court of Appeals for the Second Circuit sustained a lower court's ruling that the ban imposed by Commissioner Thomas A. Coughlin violated the prisoners' First Amendment rights.

Judge Irving R. Kaufman, who wrote the unanimous

opinion of the three-member panel, said the ban "served to deprive them [the prisoners] of, rather than limit their exercise of, their protected First Amendment rights." The other two judges were William H. Timbers and Max Rosen.

The report, by a prisoner advocacy group, alleged numerous instances of racism, harassment and assault directed against inmates by corrections officers. Coughlin argued that the report was "irresponsible and inflammatory" and that he had the right to keep it from inmates.

Judge Kaufman said that weighing strongly against the Commissioner's position was that Coughlin had reached his decision to ban the report through his own "personal and professional judgment" rather than by applying the guidelines and procedures contained in the department's own directive governing what materials may be received by prisoners.

"Our review of his decision might have been very different had it been reached by reference to those standards," Kaufman wrote, adding that "a decision reached by reference" to the directive would "be afforded great deference by a reviewing court." Reported in: *New York Times*, February 6.

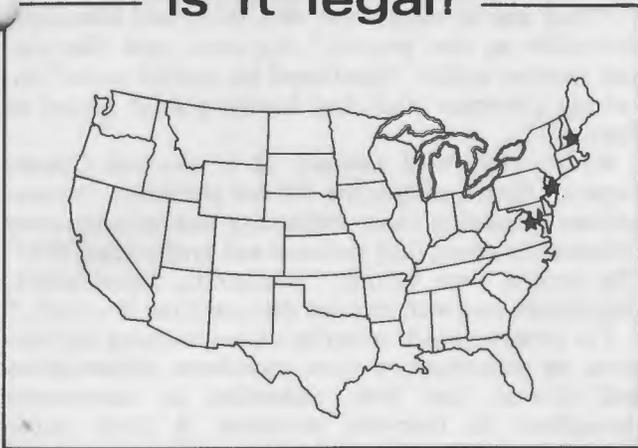
etc.

### New York, N.Y.

A federal judge ruled February 5 that no First Amendment rights would be violated by the destruction of four sex shops by the Times Square redevelopment project, and dismissed a suit seeking to block that move. The owners of the four businesses had argued that the project is aimed at stifling distribution of sexually explicit, constitutionally protected material, and that the condemnation of their buildings amounted to prior restraint of speech (see *Newsletter*, March 1985, p. 58).

U.S. District Court Judge Constance Baker Motley agreed that the government did show hostility to pornography-related businesses but she said the four sex stores were not being singled out, and declared that the project's public goals—clearing blight and increasing tax revenues and jobs—were "substantial, important and unrelated to the suppression of free speech." Reported in: *Newsday*, February 6.

## is it legal?



### broadcasting

#### Washington, D.C.

The Federal Communications Commission has rejected a proposal that would have enabled viewers to use electronic boxes on their television sets to delete commercials aimed at children. The commission denied a request from two groups to require television stations to broadcast special signals before and after the commercials that would trigger the electronic boxes. The device would decode the electronic signal and make the screen go blank during the commercial.

Deleting advertisements aimed at children would prompt sponsors to spend their money elsewhere in an effort to reach the young consumers of toys, cereals and hamburgers. And if the shows did not have sponsors, they would not last long, a commission statement said.

Before 1983, television stations were required to present children's programming that was informative, directed at a specific age level and scheduled throughout the week, not just on weekends. The FCC decided in 1983 to alter those guidelines and give commercial stations more leeway in scheduling children's shows.

Action for Children's Television, which filed the detector signal request along with Public Advocates, Inc., has other children's television issues before the commission. One petition asks the FCC to rule that shows featuring cartoon characters like Masters of the Universe are actually program-length commercials for toy action figures and should be banned. Another asks the commission to decide whether broadcasters should be offered a share of the profits when toys featured on

television shows sell well. The groups believe that such arrangements could lead to programmers making their decisions based on which toy will sell the best rather than on which is the best program for children. Reported in: *New York Times*, January 30.

### periodicals

#### Washington, D.C.

In an effort to stop controversial publisher Larry Flynt from sending free copies of *Hustler* magazine to members of Congress, the U.S. Postal Service filed suit in U.S. District Court February 13 against Flynt and his company. The suit asks for an injunction barring Larry Flynt Publications from sending the lawmakers *Hustler* and advertisements selling "matter believed by [the members of Congress] to be erotically arousing or sexually provocative." Flynt has also sent *Hustler* to President Ronald Reagan, Vice President Bush and all nine Supreme Court justices.

"There's a First Amendment right to communicate with your congressman at his place of business," said Flynt Publications attorney David Kahn. "*Hustler* magazine is a publication that expresses a certain philosophy and certain social and political views that you have a right to communicate to your congressman," he said. Reported in: *Washington Times*, February 14.

### publishing

#### Hackensack, New Jersey

Simon & Schuster, Inc., which published a "psychobiography" of convicted killer Joseph Kallinger, filed court papers March 1 challenging a New Jersey law meant to prevent criminals from profiting from accounts of their crimes. The publishers argue that the state's 1983 "Son of Sam" law violates the First and Fourteenth Amendments to the U.S. Constitution.

The New York publishing house is a defendant in a suit filed by the parents and sister of one of Kallinger's victims who are seeking profits from the book.

Attorney Lee A. Adlerstein, who also represents New American Library, the paperback publisher, said, "The statute inhibits the ability of publishers and others to render accounts of crime, thereby violating the First Amendment. The statute is vague and overbroad." The publishers also charge that the law involves the taking of property "without a hearing governed by specific guidelines" and so violates the due process clause of the Fourteenth Amendment.

The case centers around the 1983 book on Kallinger, *The Shoemaker: Anatomy of a Psychotic*, by Flora Rheta Schreiber, author of the best-selling *Sybil*. Schreiber agreed in 1976 to give Kallinger 12.5 percent of the profits of the book. The incident which gave rise to the suit takes up just 13 pages of the 423 page book. According to Schreiber, the book failed to yield any profit at all. Reported in: *Newark Star-Ledger*, March 2.

## libel

### Hanover, New Hampshire

A Dartmouth College chaplain is suing a conservative campus newspaper for \$3 million, claiming the controversial weekly libeled him in articles on his politics and personal life. Editor Laura Ingraham said the suit by the Rev. Richard A. Hyde against the *Dartmouth Review* is based on a series of articles, one involving a satirical column on left-leaning Dartmouth faculty dub-

bed the "Dartmouth Liberation Front."

"That was in the context of a satire and absolutely defensible on that ground," Ingraham said. She also said another article "questioned his marital status" involving a woman Hyde had known a short period of time.

Hyde's suit, filed January 22 in Grafton County Superior Court, alleges the *Review* published "several articles containing false, misleading and inflammatory information about [his] personal and professional life." The articles were written "negligently, intentionally, maliciously and with reckless disregard for the truth."

The *Review*, which is run by undergraduates and survives on contributions from prominent conservatives and alumni, has been embroiled in controversy throughout its four-year existence. A black music teacher sued the publication several years ago and last year the newspaper secretly tape recorded a meeting of the Gay Student Association and published portions of the meeting. Reported in: *Manchester Union-Leader*, February 1.

(in review . . . from page 74)

policies, and various documents from the ALA *Intellectual Freedom Manual*. These materials are valuable to a workshop planner since time will be saved in development or searching for appropriate materials. Part Five contains very simple transparency originals. However, the publisher includes the standard "all rights reserved" warnings regarding copyright. Therefore, before duplicating or reproducing anything, users must write to request permission from Oryx Press. This is especially important before using the materials in a public setting. Part Three contains ideas for several different types of intellectual freedom workshops such as an interpretation of obscenity.

There are several weak points in the book. Several key resource organizations engaged in opposing censorship are omitted. Many of these groups have materials available for purchase or rental. AECT and People for the American Way are examples. Bibliographies are very select. The sample form for reconsideration is dated in that ALA/OIF no longer advocates that complainants usurp professional selection responsibilities by recommending superior alternate selections. The ALA/OIF form now makes it optional for libraries to include this section.

Unless flush with funds, interested individuals should delay purchasing the Oryx Press book until they have obtained the booklet *Program Planning—Made Easier* for \$1.00 from ALA/OIF. This twelve page booklet is a

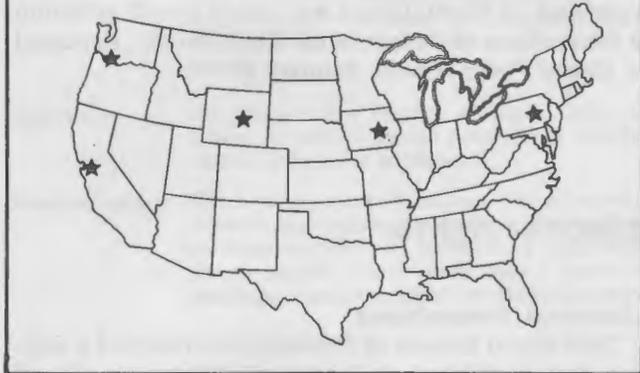
good outline for planning intellectual freedom workshops and programs. The booklet on developing selection policies from ALA/OIF is also very useful and costs \$1.00.

*Censorship: A Guide for Successful Workshop Planning* is a good additional resource. It will save purchasers time in planning, developing, and collecting materials for a workshop.—Reviewed by Janis H. Bruwelheide, Associate Professor, Secondary Education & Foundations, Montana State University, Bozeman.

## Books on Trial from NCAC

The January 1985 revised edition of *Books on Trial: A Survey of Recent Cases* is now available from the National Coalition Against Censorship (NCAC). The report, from the Clearinghouse on School Book-Banning Litigation, is a comprehensive and up-to-date source of information on litigation concerning censorship in U.S. public schools. A list of books, magazines and films involved in litigation is included. The report covers both cases now before the courts and previous decisions. It is available for \$5.00 (free to Friends of NCAC) from Leanne Katz, National Coalition Against Censorship, 132 West 43rd Street, New York, NY 10036. Make checks payable to the National Coalition Against Censorship.

## success stories



### libraries

#### Oakland, California

After nine months of haggling and delay, a divided Oakland Board of Education finally gave formal approval January 16 to Oakland author Alice Walker's 1983 Pulitzer Prize-winning novel, *The Color Purple*. The board's 4-2 vote ended nearly a year of debate which began last May when a parent, Donna Green, objected to use of the book in her daughter's tenth grade honors English class. Green complained that *The Color Purple* is sexually explicit, degraded black people with its portrayal of their folk language and was excessively violent. She also objected to what she saw as an inappropriate portrayal of religion and a bias toward lesbianism (see *Newsletter*, July 1984, p. 103).

To resolve the complaint, the district assembled a panel of educators and authors which gave the novel its wholehearted endorsement. The issue was revived, however, when Green insisted on board action. A motion to accept the panel report failed January 9 on a 3-2 vote, with board member David Tucker abstaining. Four votes are needed on the seven-seat board for a motion to pass, even if, as in January, one seat is vacant (see *Newsletter*, March 1985, p. 42; September 1984, p. 156).

Tucker broke the deadlock a week later by joining board members Barney Hilburn, Peggy Stinnett and Elizabeth Laurenson in approving a slightly different measure, endorsing the book but not mentioning the panel's report. Board members James Norwood and

Darlene Lawson once again voted against the motion. Norwood said the book was "inappropriate" for high school students. He and Lawson also stressed that district policy mandated that all supplementary texts be reviewed by a faculty/staff committee before being approved by the board. Reported in: *Oakland Tribune*, January 17; *Hayward Review*, January 17.

#### Vancouver, Washington

*The Quartzsite Trip*, by William Hogan, a novel about high school students who learn some important lessons of life during a spring camping trip, will remain on the shelf at the Pacific Junior High School library. The Evergreen School District's Instructional Materials Committee voted 5-4 February 20 to keep the book, despite one parent's contention that it deals with subject matter too adult for junior high school students.

The parent, Barbara Wright, said she would not appeal to the school board. Her complaint was filed in December and charged that the book's depiction of sexual encounters was inappropriate. "My objection to the book wasn't that I felt that it was a bad book," she told the committee. "I felt that it was not a proper book for this age level where kids are just starting to deal with their own sexuality."

But Pacific librarian Irene Conable said *The Quartzsite Trip* deals "positively and accurately" with the social relationships of young adults. "Every student in our school deserves to be served equally by their public school library," Conable said. "On the shelves of the school library, nothing is required reading. If a student picks up a book which he or his parents find inappropriate for any reason, he should simply return it, choose something else, learn from the experience and leave the book available for someone else who will enjoy it and whose parents will find it acceptable reading." Reported in: *Vancouver Columbian*, February 21.

#### Vancouver, Washington

An Evergreen School District committee voted March 20 not to remove the book *The Stupids Step Out* from the media center of Silver Star Elementary School. Diane Zinda, parent of a Silver Star first-grader, had asked the district to ban the book because she claimed it described families in a derogatory manner and might encourage children to disobey their parents. The book centers on the exploits of a family, the Stupids, whose behavior matches their surname.

"It may seem innocent, but children form opinions at that age," Zinda said. "When children learn to be disrespectful, as they get older it leads to more problems."

Librarian Jone Harding defended the book. "In order to do my job adequately I must service the needs of all students," she said. "By removing the book to meet the needs of one student, I'm limiting [ways to meet] the needs of the others at Silver Star."

After hearing testimony from Zinda, Harding, other librarians, parents and teachers, the eight members of the committee, all voted to retain the book. A ninth member was absent from the meeting. Zinda said she would appeal to the school board, but given the unity of the committee, it was thought she had little chance of success. Reported in: *Vancouver Columbian*, March 21; *Portland Oregonian*, March 21.

## **schools**

### **Glenrock, Wyoming**

The Glenrock School Board refused in February to accept a request to permit the teaching of biblical creationism in the schools. The board unanimously rejected the proposal made by a group of fundamentalist Christians who believe the biblical story of creation should be taught as a scientific theory.

School Board Chair Roger Green, However, said teaching biblical creationism violates the Wyoming Constitution, which prohibits the teaching or favoring of any sectarian doctrines in public schools. "As trustees of this school district, we were sworn into this office to uphold the Constitution of the United States and the Constitution of the state," Green said. "We cannot at this time, under the laws as they are interpreted, use creation science as an equal or balanced treatment [with evolution]." Reported in: *Denver Post*, February 23.

## **student press**

### **Ames, Iowa**

The editor of the *Iowa State Daily* said a belief in the First Amendment obligated the paper to publish an ad from a student urging people to buy a "starving Ethiopian" for a pet. The ad, placed by student Jeff Marti and his two roommates, read: "America, tired of the same old housepet? Buy the kid a starving Ethiopian. Pure African bloodlines, useful for disposal of kitchen scraps, affectionate, love to have their distended bellies scratched. \$95. (You'd pay more for a basset hound.)"

The ad, which appeared in the personals section for three days, prompted outraged letters and division among journalism faculty about whether it should have

been rejected as distasteful. Finn Bullers, *Daily* editor in-chief, said the paper ran a front-page editorial explaining its stand, the last day of the ad's scheduled run. According to Marti, the ad was meant to call attention to the problem of hunger in the Third World. Reported in: *Grand Forks Herald*, January 27.

## **prisoner rights**

### **Allenwood, Pennsylvania**

The Federal Bureau of Prisoners has reversed a decision that prohibited an inmate at Allenwood federal prison, who has since been released, from receiving gay-oriented literature. In a letter to the ACLU of Pennsylvania, Z. Stephen Grzegorek, director of the prison bureau's northeast region, said twelve of the thirteen books and newspapers ordered from Giovanni's Room, a Philadelphia bookstore, could be allowed into the prison. The ACLU, on behalf of the bookstore, had filed an appeal of the prison's decision to bar the material. Among the banned materials was the ACLU's own handbook, *The Rights of Gay People*.

"We're very pleased with this decision and think it vindicates our position generally that the material did not represent a threat to the institution," said Barry Steinhardt, executive director of the state ACLU. "Both Giovanni's Room and the authors of the works had a right to have the pieces read, and the prisoners have a right to receive them."

In the letter, Grzegorek said that one of the ten novels in the shipment, *Shuttlecock*, by Phil Andros, could not be allowed because it contains sexually explicit material. Steinhardt said that decision would not be appealed since the inmate had been released and because the ACLU's National Prison Project was already challenging the Federal Bureau of Prisons' policy on sexually explicit materials in prison in a class action suit.

Federal prison regulations allow prison administrators to ban sexually explicit materials, but they also stress that publications may not be barred simply because they relate to homosexual themes. Reported in: *Philadelphia Inquirer*, February 28.

(Virginia report . . . from page 67)

- copyright—** This is the removal or restriction of whole works from a potential audience. For example, a story or poem may be excluded from an anthology, or a book may be removed from classrooms or a library.
- expurgation—** This includes any excision of words, lines, or sections of a work deemed politically or morally unsuitable for some audiences.
- bowdlerization—** This is the changing of language deemed morally offensive into language deemed inoffensive. The word derives from the Bowdlers, a nineteenth-century English family which made a career of publishing "family versions" of classic literature.

### Examples from Textbooks

Examples of most of these types of changes abound in textbooks in every subject at every level. Though this report focuses on English language arts, over the past fifty years history texts have been slanted to promote certain regional biases, science textbooks have been modified to give greater or lesser prominence to evolution, family life texts have been modified by local views on sexuality and birth control, and social studies texts have deleted material favorable to unions and welfare programs. In England, expurgated and bowdlerized versions of the Bible have been published; in this country, high school dictionaries have often been forced to omit listings and/or clear definitions of common but earthy words.

Chaucer provides a good example of translation, expurgation, censorship, and bowdlerization. Nevil Coghill, a respected scholar whose translation is the basis for most "textbook" Chaucer, feels constrained to translate the Wife of Bath's "Ye shul have queynte right ynough at eve" into "You'll get your evening rations right enough," though the wife is definitely not discussing food. The "Miller's Tale" and the "Reeve's Tale," both quite bawdy, do not appear in high school textbooks, but then neither does the "Prioress's Tale," which is antisemitic. The Summoner is allowed to be "Hot and lecherous as a sparrow" in Scott, Foresman, but not, for example, in Harcourt Brace Jovanovich and he vanishes entirely from Ginn and Company's text.

Some restorations have occurred: in Scott, Foresman's new edition of *Macbeth*, the gate porter's second speech, which describes in some detail the effects of alcohol upon sexual performance, has been restored since 1979. The other publishing companies omit it. (Some scholars think it may be the product not of Shakespeare, but of some talented character actor who added it for laughs and applause.) In excerpts from Ben-

jamin Franklin's *Autobiography*, some publishers still omit the complete text of his twelfth "virtue," chastity, listing only the heading; others, such as McDougal, Littell and Scott, Foresman, give the entire reference.

Sexuality is not the only constraint on literature. California schools once requested that a publisher change the title of a story called "A Good Day for Ice Cream" to "A Good Day," because California law prohibits school endorsement of so-called "junk food." For the same reason, another publisher was required to change a story in which a boy receives a birthday cake. In Tennessee, a garden club complained to the state department of education about a story in which a boy rakes leaves and burns them; composting, they wrote, is ecologically proper. Shirley Jackson's most famous story, "The Lottery," has all but disappeared from classrooms because it "attacks family values" and "makes religion appear to be violent."

Nor are publishers consistent in their indications of changes. Only Scott, Foresman indicates by ellipses where lines have been omitted, and only in their twelfth-grade texts; for Chaucer, however, neither the text nor the teacher's guide indicates why these ellipses appear, while for *Hamlet* a text footnote explains them, and the guide even details the locations and extent of cuts. In the ninth grade, the textbook does not mention cuts, though the teacher's guide indicates why these ellipses appear, omitted (as opposed to 440 lines in the 1979 edition). Scott, Foresman is the best in this regard; most other publishers do not mention cuts anywhere for any work, except occasionally by adding the word *from* in front of a title. Obviously, even a bibliographer could not discover what works were rejected or omitted due to external pressures or editorial timidity.

### Background

The history and extent of changes in literary works have been the subject of a number of books; they cannot be adequately covered here. From antiquity through the early Renaissance, it was the custom of governments to execute authors as well as their works. The types of changes which are the subject of this report, however, began with the nineteenth century and were mainly the result of societal, rather than governmental, pressures: in democratic countries, literary censorship even where supported by law, tends to derive from general public attitudes rather than from the edict of some ruler.

In general, the nature and quantity of literary censorship in western countries tends to relate to perceptions of tradition and classic quality. While Plato would have eliminated even Homer's works from his ideal state, today very few people complain about so-called "classical" literature; even though Shakespeare is frequently ribald and Dickens is decidedly cynical about

mercantile capitalism and representative government, their works tend to cause few protests. Let one be a Vonnegut, Salinger, or Baldwin, however, and his works may be under attack from both left and right, from women and minorities complaining about sexism and racism to conservatives and fundamentalists complaining about socialism and humanism. Groups at both ends of the political continuum are organized to bring pressure to bear on publishers.

The pressure is often successful because publishing is a business, usually owned by an even larger business: Laidlaw Brothers, for example, is owned by the same conglomerate which owns the New York Mets. If Texas, which buys tens of millions of dollars worth of textbooks each year, wants certain values emphasized, they tend to be. If California wants junk food out, out it goes. And publishers recall with dread the fate of Ginn and Company's *Responding* literature series, which led to school closings, sniper fire, arson, and jail sentences in West Virginia in 1974—and similar troubles in some areas of Virginia—and sank without a trace, costing the company millions of dollars. Corporate publishers tend to be prudent, or unemployed.

Often lines of responsibility in textbook publishing are unclear, perhaps because many people are involved and the consulting fees can be very lucrative. One consulting editor told a group of teachers that a text had no cuts; he seemed genuinely surprised when they showed him that he was mistaken. A committee of the National Council of Teachers of English recently passed a resolution against changes in texts. The chief editor of one series containing numerous unannounced cuts, however, is a noted literary scholar and former president of NCTE. The reasons and responsibilities for changes, like so many of the enduring questions that trouble our open and disparate society, are not all simple and clear: every situation offends some group, and every remedy as well.

#### Virginia's 1984 Adoption Process

The subcommittee which evaluated secondary literature texts and series was provided with written criteria and extensive training. The criteria were developed by the Department of Education's English Language Arts/Reading Service and approved by the Board of Education. The training was provided over two days by both Department personnel and outside consultants. One criterion dealt with the relationship between abridgements and literary quality; one aspect of the training was arriving at subcommittee consensus on the meaning of such a relationship. The subcommittee, chaired by a local English supervisor and coordinated by a Department of Education supervisor, was composed primarily of experienced secondary teachers

chosen by both the Department staff and local division superintendents.

The subcommittee members received books through the mails, examined them, and met in September to hear publishers' presentations. Publishers' representatives were asked about the nature and extent of some abridgements and adaptations, though members focused on unfamiliar works rather than on standard classics such as Chaucer and Shakespeare. (At least one series failed to be recommended because its adaptations were judged to be poorly done.) The subcommittee met again in October for two days in order to discuss all the textbooks and derive its recommendations. Through consensus, the subcommittee determined that about half of the series submitted were clearly superior in terms of the evaluation criteria, and its consequent recommendation was forwarded to the Steering Committee, which approved it.

Generally, the subcommittee recognized that all textbook series contain changes of various types. There are, for example, no high school anthologies containing an uncut *Romeo and Juliet*, so if one were to insist on only complete texts, not only might students be denied any classroom exposure to the play, but also anthologies as a whole would be excluded; it was the subcommittee's charge to recommend the best, not the perfect. In addition, as recent news articles have pointed out, teachers' feelings on the importance of changes are mixed, and the composition of the committee reflected this mixture.

#### Observations

None of the problems posed by changes in literary works is easy to solve, or even to unravel. By definition basal textbooks must be usable with a wide range of students from a wide range of socio-economic and cultural backgrounds. Certainly what would be acceptable to one group of parents might well—given the diversity of the state and even of communities—be anathema to another. There is, of course, no constraint on a local school division to use basal textbooks; all major works are available in uncut paperback form, though use of these books presents its own problems of durability and cost. Whatever solution is proposed, except perhaps requiring publishers to indicate in textbooks the nature, extent, and location of cuts, will find some group opposing it.

Publishers often do not help their own case. When an editor-in-chief at McGraw-Hill does not at first know that *Romeo and Juliet* and *Macbeth* have been edited, one may wonder if publishing companies have not become too unwieldy for their editorial tasks. When a Macmillan manager asserts that an entry related to menstruation has been deleted from *The Diary of Anne Frank* because the work will thus be "easier to produce as a play in the classroom," one suspects his ingenuous-

ness. When a Ginn and Company editor writes that the nurse's earthy speech about Juliet's sexuality is deleted because it is a "digression," one tends to dismiss the scholarly excerpts he has just cited.

Literary classics are classics because many have found them true to some aspects of life. Life, as well as being beautiful and noble and moral, is also violent and cynical and earthy; in a word, life is human. The place of literature in the curriculum is well established; the various reasons for teaching literature—aesthetic appreciation, transmission of cultural heritage, inculcation of values—may often be irreconcilable and are the result of no consensus in this country. Just as all arguments over the proper role of public schools reflect our diversity, so too does this controversy over the appropriate content of textbooks.

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(censorship dateline. . . from page 83)

and who came to Canada in 1958 from West Germany, was convicted in Toronto February 28 for spreading false information about the death of Jews in the Holocaust. At issue were two pamphlets, *Did Six Million Really Die?* and *The West, War and Islam*. The first, a 32-page tract written by Richard Harwood, identified as a writer and WW2 specialist at the University of London, alleges, among other things, that Jewish casualties in the war totaled only in the hundreds of thousands, that no gas chambers existed, that atrocity photos were faked, and that even Anne Frank's diary was written by someone else. The second pamphlet, written by Zundel personally, urged Moslems to be alert to an international conspiracy of Zionists, communists, bankers and Freemasons using cover organizations "like the Kiwanis, Rotary, Lions, etc."

Zundel was convicted of publishing "a statement or tale that he knows is false" that is "likely to cause mischief to the public interest in social and racial tolerance." Zundel's lawyer, Douglas Christie, tried to show that Zundel had "an honest belief" that the writings are true. Christie tried to argue that the code under which his client was charged violates freedom of speech guarantees in Canada's 1982 Charter of Rights and Freedoms, but the judge rejected the argument.

Alan Borovoy, general counsel of the Canadian Civil Liberties Association, said his organization is concerned about the case because "I think to use the 'false news' section in the way it's being used at the trial could create dangerous precedents for freedom of the press. . . One can conceive of an endless array of possible suppressions of legitimate discussions growing out of this use." Reported in: *Chicago Tribune*, February 3; *Toronto Globe and Mail*, March 1.

### **Santiago, Chile**

On February 6, police raided the headquarters of the Journalists' Association of Chile in Santiago. They seized all copies of a newsheet "Letter to Journalists," which the Association had been printing and distributing since imposition of a state of siege November 6.

With the banning of all opposition magazines under the state of siege, and strict government control of other media, the 250 copies of the "Letter to Journalists" had taken on considerable importance as one of the few ways left for giving information about the situation in Chile today. The "Letter" was distributed daily to international news agencies, embassies, political parties, church organizations and journalists.

In early February, Chilean dictator General Pinochet renewed the state of siege regulations for three months, which meant that six opposition magazines remained banned and independent radio stations must continue to submit news reports to prior censorship. Reported in: *Index on Censorship Briefing Paper*, February 11.

### **Bogota, Colombia**

When a teacher in a school near Bogota, Colombia, read her class *One Hundred Years of Solitude*, the ribald novel which won Colombian author Gabriel Garcia Marquez a Nobel Prize, little did she know it would get her fired. But Maria Toro Velasquez was dismissed January 30 by Brian Dickson, American rector of the Montelibano Foundation, a school attended by the children of Americans who work at the nearby Matoso nickel mine. According to Bogota newspapers, some of the pupils' parents complained to the school administration that Velasquez had read "vulgar" excerpts from the book to her class. In the past Marquez has been denied entry to the United States due to his leftist politics. Reported in: *Philadelphia Inquirer*, February 1.

### **London, England**

The documentary "MIS's Official Secrets," which charged that Britain's secret service taps the telephones of top trade union members, left-wing politicians and organizers of peace movements, was banned from television, producer Claudia Milne charged February 22. The Independent Broadcasting Authority, commercial television's watchdog body, ruled that the film breached the Official Secrets Act. Reported in: *Christian Science Monitor*, February 22.

### **Manila, Philippines**

On January 28, Lino Brocka and Behn Cervantes, both well-known film directors, were arrested for taking part in a demonstration organized by the alliance of

Concerned Transport Organizations, a group of some 90,000 drivers and operators of small minibuses and "jeepneys." According to Amnesty International, Brocka and Cervantes were involved in negotiations with authorities during a national strike against higher gasoline prices organized by the group. The two were charged with leading an illegal assembly, for which the maximum penalty is life imprisonment; no bail is permitted.

Of the two directors, Brocka is better known internationally, his films having been screened at numerous festivals, including Cannes and London. His latest film, *Bayan Ko-Kapit Sa Patalim* (My Country—Hold on to a Knife) was acclaimed in Europe and won a special prize at the London Film Festival. It was not, however, allowed to be shown in the Philippines because of some "subversive songs" and "negative allusions to the Philippines," according to the chief government censor. In December, as a result of the ban on the film, many Filipino movie stars and directors demonstrated to urge its release. Reported in: *Index on Censorship Briefing Paper*, February 11.

## IFRT announces award winners

The ALA Intellectual Freedom Round Table has announced the winners of its 1985 awards. William D. North, Senior Vice President and General Counsel, National Association of Realtors, has been selected as the 1985 John Phillip Immroth Memorial Award recipient. The award, consisting of \$500 and a citation, honors intellectual freedom fighters who have made notable contributions to intellectual freedom and have demonstrated remarkable courage. General Counsel of the Freedom to Read Foundation from its inception until the spring of 1980, North was elected a trustee of the Foundation in 1980 and served as president of its board of trustees between 1981 and 1984. His services to the cause of intellectual freedom extended well beyond his formal duties in these positions, providing unlimited personal support, hours of hard work, and precious advice to countless librarians and others threatened with censorship.

The 1985 IFRT State Program Award went to the North Carolina Library Association Intellectual Freedom Committee. The \$1,000 prize, funded by the Social Issues Resources Series, Inc., is given to the state library association intellectual freedom committee which produces the most successful and creative intellectual freedom project. Both awards will be presented at the 1985 ALA Annual Conference in Chicago.

(Hatch Amendment . . . from page 65)

In Arlington, Virginia, a new group called Parents for Academics raised objections, based on the regulations, to the use of a short story, "Alligator River," used in an American history class at Yorktown High School. The group also protested against a seventh grade class reading part of the script from the movie *Testament*, about a family facing nuclear holocaust in which a mother and a son contemplate suicide but choose life. Parents for Academics asked the Arlington School Board to send parents consent forms before similar materials are discussed in the future.

"There's no question that there is much more of a general trend of parent protest not against specific books but against the whole direction of a curriculum," said Dorothy Massie, a National Education Association staff member. If all the topics listed by the Maryland Coalition were excised from the classroom, Massie noted, "it wouldn't leave much room for teaching and learning. It would just put a blanket of silence on public school classrooms."

In January, the National School Boards Association wrote to members of Congress about the "chilling effect that could be placed on the teacher/student relationship" if parents were permitted to veto "sensitive" subjects of classroom discussion. According to Dorothy Stambaugh, an attorney and member of the Arlington School Board, "an education has to include more than rote memorization and learning of skills. . . . We have to teach [students] how to interpret the knowledge they get. The entire subject of *Romeo and Juliet* is a double teenage suicide based on a love tryst. Are we going to have prior parental approval for teaching that?" Stambaugh asked.

Malcolm Lawrence, founder of the Maryland Coalition, disagreed. "A fourth grader is not going to learn anything by having a teacher ask him how he feels about something," he said. Lawrence charged that schools which teach about male and female roles, decision-making, moral situations and other controversial "nonacademic" issues are "usurping the role of parents."

Since the regulations took effect, according to the U.S. Department of Education, only three complaints have reached the federal level. But opponents of the rules, including the National Education Association, the National School Boards Association, and the National Parent Teachers Association, say the regulations permit virtually indiscriminate federal probing of curricula that should be the exclusive domain of local school boards.

Under the rules, if a parent objects to what or how a teacher is teaching, it is possible to initiate a federal investigation that could result in a significant loss of

**LIST OF SUBJECTS AND ACTIVITIES THAT MARYLAND COALITION OF CONCERNED PARENTS SAYS SCHOOLS SHOULD ASK PARENTS' CONSENT ON PRIOR TO CHILD'S PARTICIPATION:**

- Psychological and psychiatric tests or surveys . . . about attitudes, habits, traits, opinions, beliefs and feelings.
- Psychological and psychiatric treatment . . . to affect behavioral, emotional or attitudinal characteristics
- Values clarification
- Drug and alcohol abuse
- Death education, including abortion, euthanasia, suicide and use of violence
- Nuclear war
- Antinationalistic, one-world government
- Interpersonal relationships
- Human sexuality
- Pornography and any materials containing profanity and/or sexual explicitness
- Guided fantasy techniques
- Hypnotic techniques
- Imagery and suggestology
- Witchcraft and the occult

- Organic evolution
- Political affiliations
- Personal religious beliefs
- Mental and psychological problems
- Illegal, antisocial, self-incriminating and demeaning behavior
- Critical appraisals of family members
- Legally recognized relationships such as those of lawyers, physicians and ministers
- Income
- Nonacademic personality tests
- Questionnaires on personal life, views and family
- Diaries, personal journals and autobiography assignments
- Sociograms
- Contrived incidents for self-revelation
- Sensitivity training
- Strategies for self-disclosure
- Blindfold walks
- Isolation techniques
- Psychodrama, sociodrama

federal funding for the school district. The regulations say that parents must attempt to resolve their complaints at the local district level. There is no requirement that local remedies be exhausted, however, only that there be an attempt to resolve the problem locally before the Department of Education may be called in. Further, under the new rules there are no provisions for procedures at any complaint level and no court of appeals for those who disagree with the Department's decision.

Supporters of the regulations claim they are not try-

ing to censor sensitive topics, but feel parents should know and agree in advance when their children will be studying such topics. "I can't imagine any sort of worthwhile curriculum that would be threatened" by the rules, contended Tom Moore of the Department of Education. Opponents, however, say the mere burden of sending parental consent forms will make teachers hesitant to treat any subject deemed even remotely sensitive.

Sen. Hatch himself entered a statement in the *Con-*

gressional Record February 19, in which he criticized both the alleged "overreaction" of educators' groups and the misinterpretation of the regulations by "some parent groups." Both sides, he said, "have played the game of 'worst possible scenario.'" He urged the opponents of the regulations and the conservative parents to "let the rule of common sense prevail" and refrain from attempts to "torture the intent" of the Amendment.

The National Education Association and other educational lobbies are working in coalition to persuade Department of Education officials to withdraw or revise the regulations, and with the Congress to develop legislation to overturn the effects of the rules. Reported in: *OIF Memorandum*, March 1985; *Washington Post*, February 6.

(targets . . . from page 66)

<i>To Kill a Mockingbird</i> (Harper & Row, 1961) . . . .	p. 80
<i>User's Guide to Computer Crime</i> . . . . .	p. 78
<i>Valley of the Horses</i> (Bantam, 1983) . . . . .	p. 75, 79
<i>The West, War and Islam</i> [Canada] . . . . .	p. 95
<i>Witches</i> (Harper & Row, 1975) . . . . .	p. 78

**periodicals**

<i>Playboy</i> . . . . .	p. 79, 81, 85
<i>Playgirl</i> . . . . .	p. 81
<i>Washington Journal of Sex and Politics</i> . . . . .	p. 82

**film**

<i>Bayan Ko-Kapit Sa Patalim</i> [Philippines] . . . . .	p. 96
<i>Emanuelle: The Joys of a Woman</i> . . . . .	p. 82
<i>The Story of O</i> . . . . .	p. 82
<i>Testament</i> . . . . .	p. 96

**theater**

<i>The Children's Hour</i> . . . . .	p. 81
<i>The Curse of the Starving Class</i> . . . . .	p. 82
<i>Equus</i> . . . . .	p. 81

**broadcasting**

Playboy Channel . . . . .	p. 83
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**artists**

Joe Adams . . . . .	p. 83
Dennis Cobb . . . . .	p. 83
James Jangknegt . . . . .	p. 83
Steven Plaxco . . . . .	p. 83
Alan Pogue . . . . .	p. 83

## mailbag

To the Editor,

In a letter which appeared in the January 1985 issue of the *Newsletter* (page six), exception is taken to the position of the *Library Bill of Rights* on the matter of circulation of motion pictures and video productions. The letter writer, Mr. Richard N. Shaw, believes that public libraries have some, shall we say, social responsibility for releasing films to minors in accordance with MPAA ratings. He acknowledges indeed that MPAA ratings have not the force of law, but argues nevertheless that librarians ought to respect those ratings in deference to the presumed wishes of parents. It appears, however, that he misses certain critical points.

In the first place, no one except a parent has any right to impose standards of accessibility to library materials in whatever form these materials may take. However personally offensive a librarian may consider some particular material to be in the hands (or the mind) of a minor, that librarian is under the obligation of serving the demands of any patron, of whatever age or status, for access to any element of the library's holdings, which in the very nature of the case are collected into the library for exactly that purpose—to be made available to the public. (This discussion, of course, obviously precludes consideration of government "classified" information, which would have no place in a *public* library, anyway.) So, far from supporting any imputation that such universal accessibility at the library flies in the face of common sense, it rather seems the more absurd to impose upon the librarian a decision which is solely the right and the responsibility of the parent.

Secondly, the librarian has no right—moral or legal—to impose rating decisions on library materials based on content. The librarian is neither tutor, nor educator, nor jurist, nor critic; is not specifically trained to be any of these, in the capacity of librarian, nor should be. The librarian is a collector and preserver of all materials of a literary (in the broad sense of entertainment), educational, and documentary nature brought together in the service of the general public. Content-based decisions have no place in the public library, only in the private home. Content-based ratings on materials wherever they may exist outside the public library, must sensibly disappear immediately as they become the province of the library's interior collections. This attends equally to MPAA ratings as the Index Librorum Prohibitorum or other categories of proscription.

Thirdly, if we were to sustain the MPAA ratings on motion picture materials, it would logically follow that similar ratings could and should be applied to printed publications whether or not they contain pictures. But is it safe to assume that these efforts will be restricted to sexual or "obscene" matters only? It will inevitably be argued that the *larger* sphere of morals must be protected, and for those vigorous and relentless enough in their assaults, an extensive array of matters embracing politics, religion, and general culture will soon succumb to what will be considered a worthy damnation. The historical effects of such programs have always been most pernicious.

And fourthly, if a parent has indeed been exercising a careful effort in raising his children in the recognition of certain values, that parent need have no reasonable fear that his children will be unduly and irremediably swayed by (forgive the expression) *salacious* material. Children are quite able to view the world with remarkable discernment wherever they are permitted to see the framework of values given to them by their parents. Curiosity will impel any young mind to seek to inspect a wide range of printed and pictorial matter, from the noble to the base. This is normal and to be expected. Proper moral training in the home, however (and what precisely constitutes "proper" will be different in homes as those homes differ in religion, language, race, culture, and other parameters), will serve always to maintain the child in the general direction sought for him by the parents. A child whose parents do not support or condone the viewing or reading of "objectionable" materials may nevertheless be disposed to a single indulgence, or even an occasional indulgence at longish intervals, but he will not fling himself precipitately into moral ruin.

I am not ready to deny that some children may not already be "morally depraved", and the argument will be tendered that the librarian should not be a party to their further moral decline. But the librarian is, I insist, in no capacity to make this determination and ought in no wise to be made responsible for this determination.

Children have as much right as adults to explore the world as it exists in a multitude of depictions in the holdings of a public library, and ought in the interest of their widest possible development find no barriers to their intellectual curiosity. Anything less than Intellectual Freedom is a stunting of growth.

Sincerely,

Daniel W. Rosser  
Westhaven, Illinois

## correction

A portion of Richard N. Shaw's January, 1985, letter to the editor concerning the interpretation of the *Library Bill of Rights* regarding circulation of motion pictures and videotapes was inadvertently dropped, thus rendering a full sentence incomprehensible. The final sentence of Mr. Shaw's third paragraph should read: "Makers of films willingly (more or less) submit their works to this association for evaluation, and, indeed, they alter them in order to attain a rating which they think enhances the marketability of their product. In short, libraries do not impose the rating, rather, the film maker has accepted it."

Our apologies to Mr. Shaw and our thanks to him for alerting us to our inadequate proofreading.

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