

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



Editor: Judith F. Krug, Director  
Office for Intellectual Freedom, American Library Association  
Associate Editor: Henry F. Reichman

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## Meese names pornography commission

An Arlington County, Virginia, prosecutor who claims that his policy of "strong law enforcement and prosecution" made the county one of the few near Washington that "does not have an adult book store or massage parlor" will head a new Department of Justice commission to study the effects of sexually explicit material, Attorney General Edwin Meese 3d announced May 20. The prosecutor, Henry Hudson, will head an eleven-member panel to study pornography and recommend new ways to control it. Two years ago, President Reagan commended Hudson at a White House gathering for his successful efforts against adult bookstores and massage parlors. Hudson said he would "try to determine whether a relationship exists between pornography and violent sexual exploitation."

The appointment drew sharp criticism from the American Civil Liberties Union. "His [Hudson's] record is open to question," said Barry Lynn, ACLU legislative counsel. "It is not a strong civil liberties record." Lynn said that he feared the commission was formed to "dream up new ways to curtail speech about human sexuality. I'm afraid there is a train marked 'censorship' which has just left the station," he added.

In 1970, a presidential commission concluded that there was no evidence linking sexual material to delinquency or criminal behavior. "Reexamination of the issue of pornography is long overdue," Meese told reporters. "Its impact upon society was last assessed fully fifteen years ago. Since then, the content of pornography has radically changed, with more and more emphasis upon extreme violence. Moreover, no longer must one go out of the way to find pornographic materials. With the advent of cable TV and video recorders, pornography now is available at home to anyone—regardless of age—at the mere touch of a button, or, I might add, the mere dialing of a telephone.

"It is abundantly clear that with pornography we are not dealing with one passing incident," the attorney general continued. "We are dealing with a general tendency that is pervading our entire culture—including the culture known to very young children. The formation of this Commission reflects the concern a healthy society must have regarding the ways in which its people publicly entertain themselves. The Commission is an affirmation of the proposition that the purpose of a democracy involves not simply the functioning of its political system but also the achievement of the good life and the good society."

Meese said the panel's members had been chosen to "carefully balance the need to

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### books

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## "most censored" news stories of 1984 named

The myth of the Soviet military buildup and administration attacks on civil liberties lead the list of under-reported news stories of 1984, according to a national panel of media critics. *Project Censored*, a national media research project now in its ninth year, locates stories about important issues which are not widely reported by the news media.

Project Director Carl Jensen, Professor of Communication Studies at Sonoma State University in Rohnert Park, California, said, "These examples of governmental disinformation and threats to our civil liberties, not widely reported in the media, tend to support George Orwell's warning for the future of our society."

The following are the ten "most censored" stories of 1984:

1. *The Well-Publicized Soviet Military Buildup Was a Lie.* Despite administration claims of an unrelenting" Soviet military buildup, reliable reports revealed that the Soviets started slowing their military expansion program about eight years ago. Meanwhile, Central Intelligence Agency estimates of Soviet military spending were found to be highly inflated.

2. *Reagan's Attacks on Civil Liberties.* Under the rubric of fighting terrorism, President Ronald Reagan proposed four anti-terrorist bills which would pose a serious threat to civil liberties and significantly curtail the people's right to dissent.

3. *Nicaragua's Fair Elections.* Contrary to U.S. media predictions and popular belief, the November 4, 1984, Nicaraguan national elections were not rigged by the ruling Sandinistas, nor were they the rubber-stamp of Soviet Communism.

4. *CIA and the Death Squads.* Even while the administration condemns the Salvadoran death squads, the CIA continues to illegally train, support, and provide intelligence to forces directly involved in El Salvador's Death Squad activity.

5. *Worst Radiation Spill in North America.* The sixth anniversary of Three Mile Island earlier this year received more U.S. press attention than the worst radiation spill in North America. It happened in a Juarez, Mexico, junkyard in December, 1983, and is reported to be slowly killing more than 200 Mexican citizens exposed to radioactive pellets containing cobalt-60.

6. *The Red-Herring of "Left-Wing" Terrorism.* The general belief that left-wing terrorism is running rampant in Europe and that it exceeds violence from the right is a false one promoted by the administration. The single bombing of the Naples to Milan Express on

December 23, 1984, by the right-wing network of Europe killed more people than all the reported victims of the Red Brigades and other alleged left-wing terrorists in 1984.

7. *Death of a Nation: The Tragedy of Transkei.* The white-minority government in Pretoria created the "independent" black state of Transkei in 1976 as part of its apartheid policy. Today, Transkei is a virtual wasteland, incapable of sustaining its growing population. Unless immediate action is taken, the blacks will surely die as a result of starvation, malnutrition, and economic sanctions.

8. *NSDD-84: Reagan's Orwellian Censorship Law.* Throughout most of 1984, the U.S. press, led by *The New York Times*, happily reported that Reagan's sweeping new censorship law, National Security Decision Directive 84 (NSDD-84), had been withdrawn due to Congressional opposition to the use of lie detectors and lifelong censorship requirements. However, when the 98th Congress adjourned in October, 1984, the Reagan administration had put in force the largest censoring apparatus ever known in the United States. For the first time, more than three and a half million federal employees in the 12 largest federal agencies are required to submit their speeches, articles, and books for pre-publication review by their superiors for the rest of their lives.

9. *Three Stories That Might Have Changed the Course of the 1984 Election.* Potentially explosive political stories about Paul Laxalt, Edwin Meese, and Charles Wick were available to America's press long before the 1984 presidential election but were not widely reported. Mike Wallace publicly predicted that a *60 Minutes* segment on just one of these stories could possibly change the course of the presidential election. But *60 Minutes* never aired that segment. Nor did *ABC-TV News* ever broadcast a story it had spent several months researching and filming in California and Washington. Just when the story was ready to final edit, it was suddenly killed; there were reports of calls direct from the White House to *ABC*.

10. *The Myth of the Peaceful Atom: U.S. & U.K. Break Nuclear Treaty.* The Nuclear Non-Proliferation Treaty, of which the United States and the United Kingdom are signatories, specifically forbids the use of civilian nuclear byproducts in the manufacture of nuclear weapons. The Israelis used this provision of the treaty as an excuse for the bombing of a nuclear reactor in Iraq. However, as part of a Mutual Defence Agreement, signed by the U.S. and the U.K., six to seven tons of plutonium from civilian reactors in Great Britain have been shipped to the United States for use in the manufacture of nuclear weapons. U.S. energy secretary, Donald Hodel, has admitted that two to three tons of

this plutonium have been used in nuclear warheads, some of which are currently deployed on Cruise missiles in England.

Another 15 under-reported stories of 1984 were: The New, Improved Federal Trade Commission Slogan: "Caveat Emptor;" Yasser Arafat's Unpublicized Peace Initiative; The Food and Drug Administration-Nutrasweet Cover-up; The Defense Industry: America's Billion Dollar Rip-off; Vietnam Aftermath: The Untold Story of Women and Agent Orange; From Covert to Overt U.S. Military Aid to the Rebels in Afghanistan; Congress and Commodity Traders Line Each Others Pockets; The Little-Known Continuing Tragedy of the IUD; Chlamydia, The Most Widespread Venereal Disease, Leads to Sterility; Cigarette Advertising and *The New York Times*: An Ethical Issue That's Unfit to Print; Are the CIA Death Squads Coming Home to the U.S.?.; The Unheralded Return of the Draft: 1984 Style; Vaccine Liability Suits Create Monopoly and Affect Quality and Supply; The Unexplored Story Behind the Hinckley Assassination Attempt; Illegal Agreement Between U.S. and Japan to Circumvent International Ban on Killing Sperm Whales.

The panel of jurors who selected the top ten stories were: Dr. Donna Allen, editor and publisher of *Media Report To Women*; Ben Bagdikian, journalist and teacher, Graduate School of Journalism, University of California, Berkeley; Alfred Balk, editorial director of *World Press Review* magazine; Noam Chomsky, professor, Linguistics and Philosophy, MIT; Ron Dorfman, editor, *The Quill*; George Gerbner, Dean, Annenberg School of Communications, University of Pennsylvania; Nicholas Johnson, Chair, National Citizens Communications Lobby; Charles Klotzer, publisher, *The St. Louis Journalism Review*; Curtis D. MacDougall, Professor Emeritus of Journalism, Northwestern University; Mary McGrory, nationally syndicated columnist, *The Washington Post*; Jessica Mitford, writer and lecturer; Jack Nelson, professor, Social Science Education, Rutgers University; and, Sheila Rabb Weidenfeld, President, D. C. Productions Ltd.

Sonoma State University student researchers participating in the nationwide research effort were Bob Heinritz, Larry McTernan, Ernie Medeiros, Mark Mellander, Pablo Miralles, and Laura Sousa.

Dr. Jensen, who originated the media research project in 1976, said, "The American people would have been better informed about issues that affect them if the news media had spent less time disseminating sensationalized 'junk food news' about Baby Fae, John DeLorean, and Vanessa Williams last year."

Anyone interested in nominating a 1985 story for next year's project can send a copy of the story to Dr. Carl Jensen, Project Censored, Sonoma State University, Rohnert Park, CA 94928.

## U.S. list for Moscow book fair challenged

The books that make up the American exhibits at the periodic Moscow International Book Fair usually provoke criticism and clumsy attempts at censorship from Soviet authorities. If not exactly welcome by the U.S. exhibitors, such attacks are expected. This year, however, the criticism and clumsy attempt at censorship came from an unexpected source: an organization established by Congress at the initiative of the Reagan administration to export American values to the world.

Four months before the fair was set to open in the Soviet Union, the 300 American books picked to be displayed and listed in an accompanying English-Russian catalogue under the rubric "America Through American Eyes," were criticized as ideologically unbalanced by Carl Gersham, president of the National Endowment for Democracy (NED), which earlier agreed to contribute \$50,000 of the estimated \$127,000 cost for the exhibit and catalogue.

"We are not telling them to take certain books off the list," Gersham said, "we are telling them only that they should be adding certain books for fairness and balance." In a letter to John Macrae, 3d, chair of the International Freedom to Publish Committee of the Association of American Publishers, Gersham cited several books on the list that he said "reflect the views of only one segment of the American political spectrum." They included *The Fate of the Earth*, by Jonathan Schell; *The Price of Power*, by Seymour M. Hersh; and *Endless Enemies*, by Jonathan Kwitney. "The situation is little better with respect to the other political books included," Gersham added.

Gersham was joined by former Secretary of State Henry Kissinger, a member of the Endowment board, who reportedly telephoned Rose Styron, the writer, who helped select fiction and poetry for the exhibit, to express concern that the list was unbalanced. Prominent conservative William F. Buckley also voiced criticism of the list. "What goes on?" he asked. "Presumably the National Endowment for Democracy wants to prove that democracy works. You don't accomplish that by collecting material fit for the kind of people who would believe the Protocols of Zion. The Soviet Union has enough creepy material without needing our surplus."

Macrae said that despite Gersham's denial, NED demanded not only additions to the list but deletions as well. Macrae said he made a point of not seeing the list, inasmuch as he is editor-in-chief of Holt, Rinehart & Winston. "But what if one can make a case that it's unbalanced?" he asked. "Whenever independent people make a judgment, it's unbalanced." What was really at issue, he said, is, "When you appoint a group of in-

dependent people and ask them to make up a list, how can you then change that list?"

The books were selected by a volunteer committee headed by author Kurt Vonnegut, who headed a similar committee for the 1979 Moscow Book Fair. The committee included Styron; Dennis Flanagan, former editor of *Scientific American*; and Elizabeth Riley, a longtime editor of children's books. Vonnegut called the controversy "a tempest in a teapot. The big mistake was getting public money," he added. "We got a censor with it."

The AAP committee voted to ask the NED for an apology and if none were forthcoming, it said it would return the \$12,000 portion of the grant money already received. "We can't allow the endowment to be an ideological arbiter, whether it's a good list or a bad list," Macrae said. The request for an apology was also endorsed by Sen. Patrick Moynihan (Dem.-N.Y.). Let the publishers go to Moscow "under their own diverse and clashing colors," Moynihan said. Reported in: *New York Times*, May 11, 15; *Chicago Sun-Times*, May 26; *The Nation*, May 25.

## library censorship in Ohio

What do Eddie Murphy records, Milton Berle's autobiography, Aesop's Fables and J. D. Salinger's *Catcher in the Rye* have in common? The answer is that all were objects of censorship at public libraries in Ohio during 1983 and 1984, according to a survey by the Ohio chapter of People for the American Way.

Efforts to ban books, records and videotapes took place at nearly three of every four libraries responding to the study. But only 13 percent of the complaints resulted in materials being removed from shelves or placed in restricted areas, the study said.

"The majority of librarians take a strong stand in defense of the freedom to read and many have displayed a good deal of wit, courage, diplomacy and political savvy in maintaining that defense," said Joyce Garver Keller, Ohio director of People for the American Way.

Keller said she was disturbed about the number of people statewide who appeared to be unwilling to go through official channels with their complaints. She said 25 percent of the libraries responding to the survey said people had either damaged or stolen materials they found objectionable.

"If certain books are continually destroyed, the librarian with budgetary constraints might say, 'I just can't afford to keep re-ordering it,'" Keller said. "And that is an efficient way for these silent censors to achieve their objective—to get the book out of the library."

The study found people attempted to ban materials they considered pornographic, demeaning to a certain type of person, profane or containing values they found

distasteful. One book was described as "pro-Mao." Books by controversial children's and young adult author Judy Blume were a frequent target of Ohio censorship efforts. Other books that were subjects of complaints were John Steinbeck's *Of Mice and Men*; a biography of Cuban Premier Fidel Castro; a work called *Facts About Sex for Today's Youth*; and a volume called *Nuclear War, What's in it for You?* Videotapes which drew complaints included *Grease*, *Dracula Blows His Cool*, and *Bad News Bears*. Reported in: *Columbus Citizen Journal*, April 16.

## OELMA/SIRS award to Biagini

Dr. Mary K. Biagini, Professor of Library Science at Kent State University, Ohio, is the recipient of the first Ohio Educational Library Media Association/Social Issues Resources Series, Inc. Intellectual Freedom Award. Dr. Biagini was chosen for her work in support of intellectual freedom through workshops on censorship and intellectual freedom at the state and international levels as well as for her library courses at Kent State University. The award will be presented at the OELMA/Ohio Library Association concurrent conference on November 1.

## Oklahoma protects confidentiality

When Gov. George Nigh signed House Bill 1246 May 23, Oklahoma became the 26th state with a law protecting the confidentiality of library circulation records. The operative portion of the act reads: "Any library which is in whole or in part supported by public funds including but not limited to public, academic, school or special libraries, and having records indicating which of its documents or other materials, regardless of format, have been loaned to or used by an identifiable individual or group shall not disclose such records to any person except to: (1) Persons acting within the scope of their duties in the administration of the library; (2) Persons authorized to inspect such records, in writing, by the individual or group; or (3) By order of a court of law." The act becomes effective November 1.

A majority of the states now enjoy such protection, as Oklahoma joins Alabama, California, Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New York, Oregon, Pennsylvania, Rhode Island, South Dakota, Virginia, Washington, and Wisconsin in protecting the right to read in private.

## conservative books in Rhode Island libraries

By Claudia Perry-Holmes and Debra Cohen. The following is an edited version of a report prepared on behalf of the Rhode Island Library Association Intellectual Freedom Committee. Other members of the committee who participated in preparation of the report were: Bill Bergeron, Melody Brown, Joanne Costanza, Judith Paster, Marcia Whitehead, Steve Thompson, Jon Tryon, Rita Warnock, and Janice Wood-Thomas.

In the November 1981 issue of *The Phyllis Schlafly Report*, entitled "How to Improve Fairness in Your Library," Phyllis Schlafly expressed concern over the difficulty of obtaining "books that are conservative, pro-family, patriotic, traditional in regard to values, basic-skills in regard to education, patriotic and pro-private enterprise." In a similar vein, Dr. Jerry Falwell announced in an April 14, 1983, news conference that the Moral Majority was "organizing a nationwide survey by local citizens to examine the card catalogues at school and public libraries to determine whether conservative books are represented on the shelves." In response to these concerns, the Intellectual Freedom Committee (IFC) of the Rhode Island Library Association (RILA) conducted a survey of all public and academic libraries in the state of Rhode Island in the summer of 1984. A composite list of sixty-two titles recommended by Schlafly and Falwell was sent to fifty-six libraries in the state. This was accompanied by a letter to each library director requesting that the list be checked against the card catalog to determine if the books on the list were held by the responding library. Phone calls were made to follow up the survey request and response was unusually high: thirty-three of forty-three public libraries (76.7%) and ten of thirteen academic libraries (76.9%).

Some background on the characteristics of the state of Rhode Island should be instructive in interpreting the results of the IFC survey. Rhode Island ranked forty-first of the fifty states in population in 1979, with a total population of 955,000. Most inhabitants are concentrated in the greater Providence area, and there are many small public libraries scattered throughout the state. Average per capita annual income totals \$6,897, thirty-first of the fifty states. Only fourteen of the forty-three public libraries in Rhode Island hold more than 38,000 volumes. In contrast, there is only one academic library with a collection numbering fewer than 38,000. Because of the small size of many public libraries in the state it was expected that a selected survey of any list of books—conservative, liberal, or middle-of-the-road—would indicate that a large pro-

portion of titles were not owned by numerous institutions.

Twenty-three of the sixty-two titles (37.7%) on the list were out-of-print at the time of the survey, as determined by a check of *Books-in-Print 1983-1984*. This would make them difficult to obtain for the librarian seeking to fill gaps in the collection. Even titles which were once held could not be easily replaced if they were stolen or worn out. In addition, while some of the "books which ought to be in all libraries" are very well-known, for example, *Back to Basics* and *The Power of the Positive Woman*, others are relatively obscure, even to a conservative reader. Thus it was anticipated that many of these titles might not be held by even the largest libraries.

Both expectations were found to be fairly accurate. Six books, or approximately one per cent of the list, were held by no libraries in the state, and five books were owned by only one library. Public libraries were much more likely to own few or no titles on the list than academic libraries, as would be expected because of their size. Fifty-three per cent of the titles were owned by from two to ten libraries, and here academic libraries predominated. Eighteen books (29%) were owned by more than ten libraries; since there were only ten academic libraries responding, all of the latter group were public libraries.

It has been suggested that librarians might be systematically avoiding books which do not agree with their politics. In order to measure the extent to which librarians would be aware of titles, *Book Review Index* was checked to determine the number of reviews for each title on the list. Six of the eleven books which were owned by one or no libraries were either out-of-print or not reviewed. Of the remaining titles, one received mixed reviews, one was termed "quite technical", a review of another was positive, and one review could not be located. The last title was said to be biased, but the reviewer acknowledged that the author "raises a timely question".

If the survey is an accurate picture of the status of conservative books in Rhode Island libraries, it would not then seem that Rhode Island librarians are deliberately trying to avoid these types of books. Failure to consult lesser-known review sources is not so much a matter of intent as of time and resources. One might wonder in fact how librarians learned of titles which were not reviewed in the major media. Eleven titles fell into this category and yet six were owned by two or more libraries. One, owned by twenty-six libraries, was believed to have been sent through the mail as a gift to all libraries in the state. The great majority of these books are available to library users on in-state inter-library loans. Much as librarians might want to stock all titles of potential interest to their clientele, this is simply not feasible due to either financial or space limitations.

## AAParagraphs

### freedom to read—technically

Ever since Cecile Shure told a joint AAP/ALA audience at the ALA's 1984 Conference in Dallas that "the technology that we use for peace, the Soviets want for defense," (see *Newsletter*, Sept. 1984, p. 165) AAP's Freedom to Read Committee has grown increasingly interested in examining what Ms. Shure termed "that fine balance." The balance referred to by Ms. Shure—a Defense Department consultant with expertise in technology transfer but possessed also of a keen appreciation for the First Amendment—is that between government controls on the free interchange of technological and scientific information—for security reasons—and our national traditions of press, library and individual freedom.

The AAP committee, usually concerned with attempted censorship of trade and textbooks and with such government censorship sallies as the Reagan administration's proposed mandatory pre-publication review of the writings of present and former government officials, has returned over and over to the question of government intrusion on the free exchange of scientific and technical information and research. On the one hand, the Committee asked itself whether it possessed sufficient technical expertise to extend its "freedom to read" inquiries into this complex field; on the other, members wondered how they could justifiably turn away from this seemingly natural and logical extension of their traditional concerns with full freedom of expression and intellectual intercourse. Recently, the Committee was convinced by the persuasive words of a senior publisher of technical journals: "Let others concern themselves with the national security and policies controlling dissemination of research; our task as publishers is to facilitate communication." These remarks were stated in a letter to FTR Chairman Heather Grand Florence (Bantam). The Committee decided to add a sci-tech publisher to its ranks and to see whether this highly technical issue is susceptible to the judgments of a largely nontechnical body.

There is currently some optimism, based on official statements and publications. A U.S. Undersecretary of Defense for Research and Engineering (Richard DeLauer) has stated: "The freedom to publish scientific and educational material is vital for progress in science and engineering. Ultimately, the relationships among academic, government and industry will depend on the trust and understanding among the people who work

together and depend on one another." A member of DeLauer's staff added, in a published article, that "all these difficult issues can, I believe, be resolved through cooperation among all the parties and interests involved."

Defense Secretary Weinberger himself has written: "We have a long standing policy regarding the open nature of unclassified basic research and have encouraged the free and open exchange of such information through all channels, including presentations at open conferences."

In the joint statement of U.S. Senate and House conference committee members negotiating amendments to the Export Administration Act, representatives of both congressional houses declared their conviction that "traditional scientific communication activities of universities and the academic community, such as basic research, publications and exchange in open classrooms and among scholars, should be free from restriction unless the scientific information in question is subject to the President's Executive Order . . . or its availability in the U.S. is limited by government contract controls or proprietary or trade secret restrictions." Existing authority to classify sensitive documents is sufficient, the congressional conference declared, "to meet virtually all of our reasonable security needs." (This bill, tied up for seven months in conference committee bickering during the 98th Congress, seems about to emerge and be enacted in the 99th without unduly restrictive or burdensome restrictions on open scientific-technical exchanges.)

Another hopeful sign is the prospect that the Office of Science and Technology in the executive office of the President is expected soon to issue a national policy statement that also terms classification the principal mechanism for control of fundamental research in science and engineering by colleges, universities and laboratories under government contract. Since many large universities do not, as a matter of policy, engage in classified research, those at least would seem to be exempted from government controls.

But prospects are not all rosy: there are all-too-frequent reports of government heavy-handedness in controlling or seeking to control publications or conferences or the entry into the country of foreign scholars. And some research, initially unclassified (such as that on "Star Wars" weaponry) may subsequently become the object of government classification efforts.

*(continued on page 110)*

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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.

## in review

**Emergence of a Free Press.** Leonard W. Levy. Oxford University Press, 1985. xiii, 383p. \$29.95.

When Leonard Levy's *Legacy of Suppression*, which he called revisionist history, was published in 1960 it evoked a storm of dissent. This history of the First Amendment and what "freedom of the press" meant to the framers of that amendment flatly contradicted liberal assumptions and such champions of them as Zechariah Chafee, Oliver Wendell Holmes, Louis Brandeis, Hugo Black and William O. Douglas. *Legacy of Suppression*, nevertheless, went on to become a classic, widely regarded as a definitive work on the First Amendment.

In this major revision, sixty per cent longer than the original work, it is therefore something of a surprise to find Levy declaring: "I have long had a dissident view of the 1960 book." In a fascinating Preface, he details his relations with Robert M. Hutchins and The Fund for the Republic, which had commissioned him to write a memorandum on the original meaning of the First Amendment. Hutchins and The Fund disapproved of Levy's views on the free speech-free press clause and refused to publish that part of his work. "Thus," says Levy, with disarming candor, "I wrote *Legacy of Suppression* to spite Hutchins and The Fund . . . . The title I chose and the rather strong theme I developed . . . reflected both my shock at discovering the neglected evidence and my indignation at Hutchins and The Fund for attempting to suppress my work. As a result I overdid it."

Does this mean that *Emergence of a Free Press* is a watered-down version of the earlier work? By no means. Levy has recanted on his earlier view that "the American experience with freedom of political expression was as slight as the conceptual and legal understanding was narrow," but he reinforces his original assertions "that the revolutionary government did not seek to wipe out the core idea of seditious libel (that the government may be criminally assaulted by mere words); that the legislatures were more suppressive than the courts; that the freedom of expression remained quite narrow until 1798, except for a few aberrant statements; that English libertarian theory was usually in the vanguard of the American; that the Bill of Rights in its immediate history was in large measure a lucky political accident; and that the First Amendment was as much an expression of federalism as of libertarianism."

The real difference in this imposing volume is that Levy has conducted very extensive research on press

*practices* in the early American years, whereas in the earlier volume he had been concerned primarily with law and theory. As a result, he says, "I now know that the American experience with a free press was as broad as the theoretical inheritance was narrow."

Levy maintains, however, his myth-shattering views on many of the early proponents of liberty and their limitations when it came to freedom of expression of views they abhorred. His range of fire takes in such "untouchables" as Milton, Franklin and Jefferson. Says Levy: "If the Revolution produced any radical libertarians on the meaning of freedom of speech and press, they were not present at the Constitutional Convention or the First Congress, which drafted the Bill of Rights." But he sees no cause for distress in this exposure of the reality that underlies the mythic gloss of history, and reaches this hopeful conclusion: "We may miss the comforting assurance of having the past's original intentions coincide with present preferences. Yet the case for civil liberties is so powerfully grounded in political philosophy's wisest principles, as well as the wisest policies drawn from experience, that it need not be anchored to the past."

Levy, who won the Pulitzer Prize in history for his 1968 book on the *Origins of the Fifth Amendment*, may well be in line for another Pulitzer for this fine example of detailed, fascinating, muckraking "revisionist history." It is one of those rare volumes that truly deserve that over-applied label, "a basic work." And in today's political climate both his subject and his revelations are of huge importance.—Eric Moon, *Chair, Intellectual Freedom Committee*.

**The Front Lines of Sexuality Education: A Guide to Building and Maintaining Community Support.** Peter Scales. Network Publications, 1984. 87 p. \$12.95.

Sex education in our country has had a long and turbulent history, and it continues to be a controversial issue, one almost guaranteed to polarize a community. In spite of increasing evidence and studies to the contrary, opponents persist in maintaining that sex education promotes sexual behavior. These and other misunderstandings and objections often give rise to vocal community opposition. Mismanagement of the resultant controversy can cripple sexuality education programs at a time when epidemic adolescent pregnancy and venereal disease make the need for such instruction ever more crucial.

Peter Scales, in his role as a well-known leader and author in the field of sexuality education, has been in the thick of many such battles. He has been the national

Director of Education for the Planned Parenthood Federation of America and the Director of Research for the Institute for Family Research and Education, and is the author of over 65 articles and books on child and family health, including two standard references: *The Sexual Adolescent* and *An Analysis of U.S. Sex Education Programs and Evaluation Methods*. His new book, *The Front Lines of Sexuality Education*, offers practical and tested techniques for dealing with community controversy that should be useful not only to sex education proponents but to all those who are in the forefront of the fight against the suppression of knowledge.

Scales has extracted the principles and guidelines in this book from a study of the politics of sexuality education in 23 communities. He directed this study for the U.S. Centers for Disease Control in 1979-1981, and the communities studied were as varied as Parsipanny-Troy Hills, New Jersey and Santa Cruz, California. In the course of the research he interviewed 255 key people, including principals, parents, clergy, teachers, young people, school board members, and opponents. Only a handful of these communities had *not* experienced controversy over their sex education proposals. But some had gone on to establish strong and continuing programs, while others had been left with only weak or ineffective ones—or none at all. A set of consistent patterns for success emerged, and from them Scales has developed this guide to overcoming opposition and building and maintaining community support.

An early, and very striking finding was that both local and nationwide surveys revealed that 80% of the general population is in favor of sexuality education. Although vocal opposition forces seem to represent a substantial segment of the community, actually they are only a tiny minority. In this study, Scales seldom found more than one or two leaders and a core of twenty or thirty active opponents in a community. However, their effectiveness went far beyond their numbers because of their persistence and aggressiveness in attending school board meetings, demonstrating and signing petitions, cultivating the media, and voting in local elections. Proponents, on the other hand, in spite of their superior numbers, often lacked the organization necessary for a continuing effort, and limited themselves to mobilizing a crowd for an occasional crucial public meeting, speaking individually with school superintendents, and trying to respond to or defuse charges from the opposition.

However, had they proceeded differently they might have been able to take advantage of majority support. They, as some did, might have anticipated controversy as inevitable, but dealt with it positively by articulating and publicizing their values, trying to understand and respond to their opponents' underlying concerns, working effectively with the media and local politics,

and—most important—building coalitions and communication networks. They might have hired professional researchers to do community surveys to demonstrate the need for sex education, analyzed the possibility of divisive conflict before it developed, and been willing to compromise.

It is essential, warns Scales, to insure broad community support by forming small committees representing a diversity of opinions to perform a variety of tasks in developing the actual program. Most important of all is to involve parents and young people—the active participation of parents was a key variable in successful strategies.

Scales outlines these and other principles in three sections. The first describes the study and its results. The second presents guidelines and suggestions for successful approaches, and the third consists of some training exercises for managing controversy and building community support. These last are especially valuable in preparing lay people to think on their feet in meetings or while facing opponents. The appendix contains, among other things, a summary of eight major national opinion polls on sexuality education and an extremely useful sample statement of values, which was developed by Scales for the Planned Parenthood Federation but which might be adapted by a local group as a statement of self-definition for use in education and public relations.

Much of this book is undeniably excellent. It has the true ring of having been forged under fire. But the style is formal and stiff, and the format is essentially an expanded outline. This reviewer would have wished to have seen more flesh on the bones. Only in the section in which Scales teaches speakers how to deflect a heckler does he show any passion. But the guidelines and techniques, while a trifle dull, should be invaluable advice for any group facing possible public controversy. Libraries should be advised that the volume is spiral-bound.—*Reviewed by Patty Campbell, librarian and author of Sex Education Books for Young Adults.*

**Broadcast Fairness.** Carl T. Rowan. Longman, 1984. 214 p.

*Broadcast Fairness* is a substantial presentation of the fairness doctrine and equal time rules. The author speaks with authority from the perspective of an attorney specializing in communications and First Amendment law. He is also a former NBC news reporter and currently host of the PBS series, *International Edition*. In his introduction Rowan states that he attempted to write a balanced book of use to any in-

terested party. Chapters one and two deal with questions regarding the purposes of regulations. The impact of regulation on news coverage is the subject of chapters five and six. Chapter seven presents special areas of regulation. Chapters eight and nine deal with politics and communications. Evaluation of proposed changes to the regulations is the focus of chapter ten. Rowan states that he did not attempt to provide definitive answers but rather an exploration of the arguments and issues.

The book has good bibliographies following each chapter and cites heavily Simmons' *The Fairness Doctrine and The Media*. The text is readable and clear. The book can be understood by a novice on the subject.—Reviewed by Janis H. Bruwelheide, Associate Professor Instructional Media, Montana State University.

## poll finds mixed feelings on press, press freedom

People in the United States view newspapers with a contradictory mixture of faith and distrust, according to a study of newspaper credibility made public April 12 at the annual meeting of the American Society of Newspaper Editors. Prepared by MORI Research Inc. of Minneapolis, the study was entitled "Newspaper Credibility: Building Reader Trust" and came amid growing concern in news organizations that they might have lost public confidence.

Although the study found that newspapers had high credibility with only 32 percent of the people polled, 84 percent said they had some or great respect for newspapers and 76 percent said they thought the "press helps keep public officials honest." The report indicated that newspapers and news organizations in general had the least credibility with two diverse groups: the poorest and least educated and the wealthiest and most educated, whom the pollsters dubbed "sophisticated skeptics."

The study found that people who had little faith in newspapers also tended to be hostile to concepts of press freedom, a correlation that gave weight to the anxiety about credibility felt by many editors. For instance, 42 percent overall agreed with the statement "Sometimes there's too much freedom of the press" and 39 percent agreed that "the media abuse their constitutional guarantee of a free press." In both cases, those who had less faith in the press were more likely to agree.

There was also evidence that the public might not agree with the idea that decisions about matters such as reporting on political campaigns should be left to editors. The survey reported that 88 percent of the

respondents felt that if two candidates were running, newspapers should give each an equal amount of space, and 91 percent said television news programs should give each the same amount of coverage.

The study also seemed to suggest that people viewed news coverage by newspapers and television with approximately the same degree of confidence, although each has strengths and weaknesses in the public mind. For instance, 51 percent of those polled said newspapers could be trusted versus 48 percent for television, but 39 percent said television was unbiased, as against 36 percent for newspapers. In overall reliability, 63 percent of those responding indicated they considered the daily newspaper they were most familiar with highly reliable while 65 percent said the same of television.

The survey was based on telephone interviews with a national sample of 1,600 adults, 1,002 of whom also completed a questionnaire. The Associated Press paid half the cost of the \$100,000 survey. Funds were also provided by the A.S.N.E. Foundation, American Newspaper Publishers Association Foundation, Associated Press Managing Editors, Cox Enterprises, and the Gannett, Scripps-Howard and Knight foundations. Reported in: *New York Times*, April 13.

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(AAParagraphs . . . from page 107)

Also unsettling is the recent report of the Information Security Oversight Office—the executive branch agency that oversees document security—that classification, in at least three major federal agencies (Defense, State and CIA) increased during 1984. Editorially interpreting this report, the *Washington Post* stated that "the trend toward keeping more information from the public is unmistakable."

And the ALA Washington Office recently issued an updated chronology of a 1981 report entitled, "Less Access to Less Information By and About the U.S. Government." While this wide-ranging report, an itemization of government curbs on information, covers many facets of the problem, controls over dissemination of scientific and technical research are prominently mentioned.

Under Mrs. Florence, the AAP Freedom to Read Committee approaches this vast subject with an open mind. In the weeks and months ahead, depending heavily on its expanded membership of sci-tech publishers, the Committee will hear and weigh evidence and eventually determine whether the situation lends itself to the Committee's traditional operating techniques: education (often via public statements), legislation or litigation.

## — censorship dateline



### libraries

#### Escondido, California

For the first time in recent history, trustees of the Escondido Elementary School District voted to ban a book from school libraries. The book, *Slugs*, by David Greenberg, which depicts youngsters committing ghoulish acts against the slimy, snail-like mollusks, was deemed unsuitable and should not have been allowed in the libraries in the first place.

Deborah Beckstrand, the parent who filed a complaint with district officials, praised the board's unanimous decision. She called on officials to remove the book after her son, a first-grader, brought it home. Among the passages to which Beckstrand objected was one which reads: "Dissect a slug with scissors, poke one with a tweezer. Pop one in the microwave, freeze one in the freezer. Take a slug, squeeze its liver. Watch if wiggle, feel it quiver."

A panel of district officials and one parent reviewed the book and recommended that only older children be allowed to read it. *Slugs* also received scorching reviews from the San Diego County Office of Education and *School Library Journal*.

"I think they absolutely misunderstand children's literature," said author Greenberg. Classic children's books, he argued, are "rife with grossness and violence. If they pull this book, by all logic, they should also pull fifty percent of the books on the library shelves." Reported in: *Oakland Tribune*, March 12.

#### Hayward, California

Tempers flared and sharp words were exchanged March 18 as Hayward school trustees began reviewing the district's library book-buying procedure, which one teacher claimed smacks of censorship. Board president Anthony Ochoa was repeatedly accused of attempting to intimidate the Sunset High School librarian and teachers association president, both of whom denounced the district's two-year-old book-buying policy. Teacher Mary Walsh, president of the Sunset teachers association, handed the trustees a resolution from her colleagues protesting the process as "centralized censorship."

The board investigation began after Sunset High student leaders protested that a council comprised of all district librarians, which, under the policy, must approve all purchases, had acted as a censor (see *Newsletter*, May 1985, p. 75). According to Walsh and Sunset librarian Lupe Garcia, eleven books requested for purchase by Sunset teachers had been rejected, including *The Color Purple*, by Alice Walker; *Ancient Evenings*, by Norman Mailer; *Cujo*, by Stephen King; and *My Sweet Audrina* and other titles by V.C. Andrews. "We're not having books pulled off the shelf," Walsh charged. "We're not getting the chance to put them on the shelf."

The library council deemed the books unacceptable because of "rough language" and "explicit sex scenes." But Garcia claimed council members never reviewed the books during their monthly meetings, all of which she attended. "It seems like I've been excluded," she charged, suggesting possible secret meetings of council members. No other librarian had book requests turned down, she added.

During the presentation Ochoa appeared irritated and briefly clashed with another trustee who protested "an air of intimidation." At the end, Ochoa ordered staff members to investigate the charges and report back to the board. Reported in: *Hayward Review*, March 19.

#### Fort Wayne, Indiana

Thomas J. Blee, an official with Citizens for Decency Through Law, has filed a personal complaint against the Allen County Public Library over a western novel he regards as pornographic and objectionable. The book, *Longarm in Virginia City*, by Tabor Evans, is part of a series of westerns about a sexuality active lawman who roams the Old West.

Blee said he did not file the complaint on behalf of CDL but on his own, "purely as a father, citizen and patron of the library." He said he stumbled across the book, which he called a new genre of pornographic westerns, as he was going through a rack of westerns in

the library. He said he took it to the counter and commented on its content to a librarian. The librarian, he said, gave him a complaint form and he filled it out.

Library director Rick J. Ashton said the form was filled out sketchily and that the book was described as objectionable and pornographic. In response to the complaint, a material evaluation committee will make a written response, Ashton said. The complaint is the fourth the library has received in three years, Ashton added. No book or other work has ever been removed as the result of a complaint.

Rev. Robert F. Yawberg, chair of the CDL, said he was unaware of Blee's complaint and that scrutiny of the library was "not on the agenda" of the CDL. Reported in: *Fort Wayne Journal-Gazette*, May 18.

#### **Danube, Minnesota**

Superintendent Kenneth Roetzel said it took him only a moment to glance through the swimsuit layout in *Sports Illustrated* before he removed the magazine from the Danube school library. Then he wrote to the magazine: "For the first time in my years as an administrator of public school systems, I have been forced to censor an item in the library. I removed your February 11 issue from the shelves because the swimsuit feature is offensive, indecent and chauvinistic. Your usually fine magazine has stooped to the moral depths of *Playboy* and *Penthouse* and I am disappointed in you! We want to teach our children respect for themselves and each other and that article flies in the face of our efforts."

Roetzel's letter was published by the sports weekly in its March 4 issue. Ann Scott, letters department manager at *Sports Illustrated*, said that the annual swimwear feature generates the most response "every year. It's generally half and half . . . but this year it's more praise than anything else." Reported in: *Minneapolis Star & Tribune*, March 8.

#### **Bozeman, Montana**

A committee of parents and Bozeman school employees has recommended that six books by controversial young adult author Judy Blume remain on Bozeman school library shelves. Parents Pat and Bing Mazanec filed an objection to the books last fall. The recommendation went to the Bozeman School Board for a final decision.

The books the Mazanecs objected to were *Blubber*; *Deenie*; *Are You There God, It's Me, Margaret*; *Superfudge*; *Then Again, Maybe I Won't*; and *Starring Sally J. Freedman As Herself*.

"This is not censorship," said Pat Mazanec, who is a member of the Eagle Forum. "Picking good books for children to read is responsible selection. I've had a lot of people tell me they are very upset that tax dollars are

spent in this way. By making those books available, [the schools] are teaching profanity and immorality," she continued. "Kids need uplifting stories. They need to read about good, decent kids. They [the Blume books] are really hard to read. They're very offensive."

According to Sue Livers, a parent and review committee chair, the six-member committee voted unanimously to retain five of the books, with a single dissenting vote against a sixth. Livers said she received numerous phone calls and letters from parents who were outraged that some people would try to choose what literature other people's children could read. "Most of [the calls and letters] dealt with censorship, not whether the materials were suitable," Livers added. "There seems to be a real strong feeling about that in town." Reported in: *Bozeman Chronicle*, April 21.

#### **Sallisaw, Oklahoma**

Despite strong opposition from the Sallisaw Association of Classroom Teachers, the Sallisaw School Board of Education May 13 affirmed for the third month in a row a decision to remove a book, *The Sisters Impossible*, by James David Landis, from school libraries. A teacher committee had voted to recommend that the book remain on the shelves, but the board voted 4-1 to ban it due to offensive language.

The controversy began in January when Dr. James Wells lodged a challenge to the book. In February, the complaint came to the board and board member Gus Fullbright moved to ban the novel after reading a short passage in which a character took her clothes off in a locker room full of girls. A decision was postponed until March, while a teacher review committee studied the question.

"The book was selected by the librarian in accordance with the policy established by the Sallisaw City Schools," the committee told the board. "We felt that the overall message of the book outweighed any inappropriate language, and for this reason we are recommending that the book be kept in our Library Media Center collection." The board ignored the recommendation at its March 13 meeting, voting to ban the book with only board member Dale Kirk dissenting.

At both the April and May meetings, local teachers and parents fought to overturn the decision, but without success. On May 14, a citizens group decided to begin a petition drive demanding an end to the ban. Reported in: *Sequoyah County Times*, March 14, April 11, May 14.

#### **Seattle, Washington**

Upset over the Seattle Library Board's May 3 refusal to remove the controversial sex education book *Show Me!*, an anti-pornography organization started a cam-

paign for elected, rather than appointed, library boards. Lesley Cullen, secretary of the newly formed People for Public Libraries, said the group is an offshoot of Eastside Citizens for Decency through Law, which led the anti-*Show Me!* crusade (see *Newsletter*, May 1985, p. 79).

"If the people of Bothell decide that the only thing they want in their library is *Reader's Digest*, that's the way it should be," said Cullen, a clerk at the Redmond public library. "Why should people have to pay for books they don't want?" she said.

Andrea Vangor of the Eastside Citizens and acting chair of the new group said the two anti-pornography groups considered the decision of King County Prosecutor Norm Maleng not to prosecute the Seattle Public Library for retaining *Show Me!* an "abuse of prosecutorial discretion." The groups claim the book is illegal under present state law, but have also called for new, stricter laws.

Maleng said he believed the book exploits children but could not prove a crime had been committed because he could not show that the book was distributed by the library "for the purpose of sexual stimulation" of readers. He also said the book's text was clearly educational and thus protected by the First Amendment. Reported in: *Seattle Times*, May 11.

## **schools**

### **De Funiak Springs, Florida**

The critically acclaimed but controversial 1951 novel *Catcher in the Rye*, by J. D. Salinger, has been banned from schools in the rural Florida Panhandle community of De Funiak Springs. According to Teddy DeShazo, Walton County school superintendent, the county school board made a mistake April 11 when it yanked the book from a suggested reading list for high school students. "The concept of burning and branding a book is not good for public education," DeShazo said. "I have a firm commitment to share with youngsters the truth."

But DeShazo does not have a vote on the board, which voted 5-0 to ban the book after it was used in an English class at Freeport High School. Parents, ministers and students complained that they were off-Billingsly, a board member. "We evaluated the literature in the classroom and found it to be unacceptable." Billingsly focused on the use of obscenity in the book. "How can it not be okay to talk it, but okay to read it?" he asked. "How can you teach what you're not supposed to say?" Reported in: *Associated Press*, April 27.

### **Baton Rouge, Louisiana**

The panel that recommends which textbooks the state will distribute to school systems decided in April to delay action on several home economics books that include sex education to find out if the subject matter violates state guidelines. The move came after several parents appeared before the panel to denounce specific textbooks under consideration.

"Personally I don't like this book for many reasons, but primarily because it's in bad taste," said M.C. Perry of Houma of the book *Married and Single Life*. Perry is chair of the Textbook Media and Advisory Council, which makes recommendations to the Louisiana board of Elementary and Secondary Education.

The state home economics textbook committee recommended that all the books in question be used. That committee consisted of teachers and other educators. However, several parents opposed to certain books said they appeared before the committee but had problems testifying.

Among those who complained to the council were Charlotte Felt of New Orleans, who opposed the book *Family Matters*, and Ann Keeth of Lake Charles, who said *Married and Single Life* favored abortion. A text entitled *Creative Living* "blurs gender identity and says that being human is more important than being masculine or feminine," complained Vicki Jennings of Lake Charles. "It puts down tradition. I'm not sending my kids to school to be changed by teachers."

Kay Reiboldt of Shreveport said one of the books "defends homosexuality. It says that homosexuals do not commit violence such as rape. That is wrong." Sandra McDade, also of Shreveport, said *Family Matters* tells of parents who argue at length "about abstract thoughts such as 'Is there a God?'"

Linda Jordan of De Quincy complained about *See How They Grow* and *Today's Teen*. She said the teacher manuals on one of the books call for testing on private opinions on sex and religion. The other books put on hold are *Caring, Deciding and Growing; Parenting and Children;* and *Contemporary Living*. Reported in: *Baton Rouge Advocate*, April 19; *New Orleans Times-Picayune*, April 19.

### **Jenison, Michigan**

Four high school lectures on teenage sex scheduled March 26 by a Syracuse University professor and sex educator were canceled after complaints from parents in the southwest Michigan community of Jenison. Sol Gordon, director of the Institute for Family Research and Education at the university in New York, was to appear at Jenison High School to discuss why teenage sex was ill-advised. But a group of parents objected to Gordon's talks, so school officials canceled the lectures. Reported in: *Philadelphia Inquirer*, March 27.

### Avoca, New York

A student's 40-foot long mural of the heavy-metal rock group Kiss was painted over by janitors at a rural high school after a religious group's protest and despite a sit-in by about fifty students. Avoca Central School officials ordered the mural destroyed because of a petition circulated by a religious youth group whose members charged Kiss stands for "Knights in Satan's Service."

About fifty Avoca students backing the artist, senior David Lemanke, spent March 22 sitting in the auditorium in a vain effort to preserve the mural. "It took him more than a month to paint it, and it wasn't finished yet," said Shari Meese, the protest organizer. "The mural should have been left on the wall since [he] had been given permission to paint it." Reported in: *New York Daily News*, March 25.

### Warwick, Rhode Island

*Metrication, American Style*, an instructional pamphlet on the metric system which was heralded ten years ago by the National Council of Teachers of Mathematics as "an indispensable tool for classroom teachers," can no longer be used at Toll Gate High School, where its author, John Izzi, chairs the math department, because it's discriminatory toward women.

The 50-page pamphlet includes a history of the metric system, general concepts, recommended sources and a play about teachers discussing the metric system. It was the play which Warwick district officials found offensive, as well as the cover which depicted Izzi looking at a poster of a bikini-clad woman, with her measurements in metrics instead of inches. In the play, when one female teacher says she never thought of rounding off the metric numbers, the reply is "That's because you're a woman."

George McLaughlin, director of secondary education, said he knew of the booklet, but had not seen it until asked to review it by the civil rights office of the Rhode Island Department of Education. "It is at least offensive by today's standards," he concluded.

McLaughlin said that while he barred Izzi from making the pamphlet available to his students, he did not order it removed from the school library. "It can stay at the library at any school. I just do not want it distributed or made available to students in class. Alternative materials are available for teaching the metric system. In the library, the student can choose to select it or not select it."

This was not the first time Izzi was charged with discrimination. In May, 1984, a complaint was filed that the teacher discriminated against women after he wrote in the *Providence Journal* that boys are better in math than girls. An investigation confirmed that Izzi had

made similar remarks in the classroom, and he was placed on probation for a year. Izzi said the cover photograph was not his idea and that a new edition was planned without it. Reported in: *Warwick Beacon*, March 28.

### Garland, Texas

Bowing to pressure from opponents of a biology textbook planned for use in a high school honors course, on March 7 the Garland Independent School District's central textbook selection committee withdrew its recommendation of *Biology*, by Karen Arms and Pamela S. Camp, to school trustees. The book was opposed by Garland resident Clova Wood and others for including what they termed "overly explicit" diagrams of sexual organs, intricate discussion of sexual stimulation, and the implication of abortion as a means of birth control.

A member of Eagle Forum, Mrs. Wood said committee members had not been given ample choice. She said the Arms and Camp book was designed for the college level. She charged that one diagram of the male reproductive organs is "obscene" under Texas law and that a picture of a woman giving birth is too explicit for teenage eyes. "It breaks down the natural barrier of modesty between teenagers," she said.

Ms. Wood and other parents and community members telephoned school trustees and administrators, opposing final approval by the school board, which had been scheduled to ratify the committee recommendations March 8. Several trustees and administrators reviewed the textbook and asked the committee to reconsider its recommendation.

Trustee Harris Hill said he personally disapproved of certain aspects of the text, including its discussion of abortion, because he felt the material is not "academically balanced." At least two illustrations are overly graphic and biased," he added. The board voted to accept the committee's alternate recommendation of *Biology*, by John Kimball. A similar controversy arose over the Arms and Camp book a few weeks later in Fort Worth (See page 135). Reported in: *Garland News*, March 1, 8.

### Arlington, Virginia

An after-school showing of the antiabortion movie *The Silent Scream* at Washington-Lee High School in Arlington was canceled abruptly March 28 after a flurry of complaints from parents who criticized the showing and questioned the film's accuracy.

Washington-Lee Principal William Sharbaugh said he had approved the request of psychology teacher Guy Cavallo and a student in Cavallo's class to show a

videotape of the film in a classroom after school, provided students who wished to attend brought signed permission slips from their parents. But shortly before the end of the school day, Sharbaugh announced he had canceled the film. "It has become very controversial and [it] has been perceived that Washington-Lee is supporting" the film's viewpoint.

The 26-minute movie purports to show a suction abortion of a fetus as depicted on a sonogram, but some doctors have questioned its accuracy. Several parents said they were upset to learn the film was scheduled without any accompanying presentation from a pro-choice perspective.

Arlington School Board member Dorothy H. Stambaugh said she learned of the scheduled showing when a parent phoned her. "My reaction was, needless to say, dismay," she said. "For a teacher to show something that is not on our approved list [of books and supplementary materials] would be clearly inappropriate."

Superintendent Charles E. Nunley said the approved list only applies to the official school day. But Stambaugh maintained that the film was clearly related to the psychology class, and said the time of the screening made no difference. Reported in: *Washington Post*, March 29.

#### **Hockinson, Washington**

Before an audience of more than fifty, the Hockinson School Board voted April 23 to take a broad, conservative stand in selecting and banning books for district use. The chair of a committee that screens district reading material warned that the new policy could mean open season on books containing even a hint of controversy.

The board decision culminated ten months of debate over district guidelines after two library books were banned by the board last summer for sexual content. Board members voted 4-1 to adopt a policy that books could be rejected when they are "inappropriate for a majority of children at that level or if the material is in any way offensive to generally accepted moral precepts or religious beliefs." The new policy applies both to book challenges and selection of new material.

Board member Janice Gilman was the lone dissenter, saying the district "is opening it up to having 25 to 30 percent of the books removed from our [library] shelves, from the standpoint of violence particularly." The district's eight-member Instructional Materials Committee had proposed an alternate policy toward sex, violence and profanity, suggesting that those topics shouldn't automatically disqualify a book from use.

"I was disappointed. I think the board was just scared on that one issue," said Roxanne Sutherland, Instructional Materials Committee chair. "I wouldn't be

surprised if people are already in line to look at all the fiction books in the library. This policy opens it up to that."

School board member Yvonne Wedgworth said she thought most residents wanted a book policy based on community moral and religious standards. Added board chair Charles Cox, "We have a responsibility to take a conservative stand on books." Reported in: *Vancouver Columbian*, April 24.

#### **Vancouver, Washington**

On April 8, the Evergreen School Board banned a textbook that some members said is too favorable toward alternative lifestyles. The book, *Person to Person*, had been recommended for use in elective family relations classes at Evergreen and Mountain View High Schools. The controversy centered on a chapter titled "Changing Life Styles," in which the book describes relationships other than the traditional family.

"It doesn't seem to me to be what we need to be giving the kids," said board member E. David McKenzie. "It talks about the most happy marriages being the ones without children. I think parenthood is just part of what God meant for us to do." Another opponent of the book, Margaret Wadsworth, said she found parts of the book describing communal living and group marriage intolerable.

The vote was 3-2 against the text, with George Houser joining McKenzie and Wadsworth in the majority. Board president Sondra Tackett and member Sam Bauman dissented. "I supported the book because it gave choices to people . . . rather than telling them 'you act this way,'" said Tackett.

The book currently in use in the course, *Married Life*, dates from 1970 and is "too old really to meet today's needs," Bauman said. "Students should form their own opinions and values." Reported in: *Vancouver Columbian*, April 9.

#### **Waukesha, Wisconsin**

Most Waukesha North High School sophomore and junior social studies students will not see the Vietnam War documentary *Hearts and Minds* this year. That's because district administrators told teachers they could show only a version that edited out a brothel scene. As a result, nine of the school's eleven social studies teachers decided May 23 not to show the film at all.

Teachers have shown the film for about seven years as part of the world history and American history class units on Vietnam. Parents are notified that the film contains a scene showing "explicit sex" and are asked to sign and return the notice if they don't want their children to see that part. A teacher said only one student

in seven years brought the slip back, and no parents had called or written to complain.

This year, a notice went home with the daughter of Waukesha School Board member Thomas Taft. Taft did not ask that his daughter be taken out of the showing, but he called Joanne Kleist, executive director of secondary curriculum, to ask if she or other district administrators were aware of the sexual content of the film. Kleist, Superintendent George Shiroda, North Principal Philip Offerdahl, Community Relations Director Donald Ladd and Pascal De Luca, executive director of operations viewed a videotape of the film and Kleist then issued a guideline prohibiting use of sexually explicit films and tapes.

"It was, in a sense, unexpected," Susan Bacun, a world history teacher, said. "We thought we had made a sound judgment. To be questioned now, after all these years, came as quite a shock for teachers." Teachers said they thought the edited scene was important to show students how young American soldiers were and what kinds of problems they had, both in the war and back home, because of their youth. Reported in: *Waukesha Freeman*, May 24.

## colleges and universities

### New Brunswick, New Jersey

A Rutgers University professor March 26 protested the State Department's refusal to allow a high-ranking member of the Palestine Liberation Organization (PLO) to speak in New Brunswick. "It is very unfortunate when the State Department would deny the right of the academic community to hear representatives of differing political views," said Lennox Hinds, a professor in the Rutgers Administration of Justice Department.

Hinds explained that he invited Nehdi Terzi, the PLO permanent observer to the United Nations, to appear as a guest speaker in his course on "Political Terrorism and the Law." For several years, the State Department has restricted the PLO UN representatives to a 25-mile radius of New York City. "The travel ban is for ideological reasons and also applies to UN members from Cuba and the Soviet Union," said Hinds, who is also a permanent UN representative from the International Association of Democratic Lawyers. Hinds said he "had hoped we would be an exception" to the travel restriction because "we do not support an ideology." Reported in: *Newark Star-Ledger*, March 27.

### Philadelphia, Pennsylvania

Villanova University canceled a campus speaking engagement by a liberal theologian because of his controversial views on abortion. Daniel C. Maguire, pro-

fessor of theology at Marquette University in Milwaukee, said May 10 that he received a letter from the Rev. John M. Driscoll, president of Villanova, informing him that his appearance at Villanova's Theology Institute in June had been canceled.

According to Maguire, Father Driscoll wrote: "Owing to your involvement in public controversy, subsequent to our invitation, we believe that an address to the institute by you would focus attention on matters unrelated to the institute and the topics scheduled for discussion." Driscoll enclosed a check for \$800, the stipend the university had offered for his appearance, and told him it would not be necessary to submit the paper he had been scheduled to prepare, Maguire said.

Maguire, whose views on abortion have been public for a decade, publicly supported Democratic vice presidential candidate Geraldine A. Ferraro's position that Catholics disagree on the issue. He said he believed that abortion is always tragic, but that there are circumstances in which it is moral and should be legal.

After Archbishop John J. O'Connor of New York criticized Ferraro's remarks, Maguire released a statement on behalf of 55 Catholic theologians declaring that some theologians believe that abortion can represent a moral choice. In addition, Maguire and his wife, also a Catholic theologian, were the co-authors of an advertisement in the October 7 *New York Times*, declaring that "a diversity of opinion regarding abortion exists among committed Catholics."

A former priest of the Archdiocese of Philadelphia who left the priesthood in 1971 with the permission of church authorities, Maguire had been invited to be the keynote speaker at the Theology Institute, whose theme was "The Professions in Ethical Context: Vocations to Justice and Love."

Maguire said that three other Catholic schools, St. Martin's College in Lacey, Washington, St. Scholastica College in Duluth, Minnesota and Boston College, had also withdrawn speaking invitations they had extended him. He said he regarded the Villanova withdrawal as an "insult" and a "clear-cut act of injustice." Reported in: *Philadelphia Inquirer*, May 11.

## student press

### Tempe, Arizona

the McClintock High School newspaper, the *Guidon*, was withheld from distribution April 4 at the school administration's request. On April 3, administrators told editor Jon Benninger that they had found an objectionable paragraph in an article about the school speech team's honors. The paragraph quoted a teacher saying that a student had taken a key to open the school to

speech and drama students for an unauthorized after-hours meeting. Principal James Lyons said he believed the paper would be liable if it printed the information as written.

After turning over all copies of the papers, staff members decided to reprint the issue after removing the offending story. In the issue distributed April 10, the top of the front page was blank except for the statement: "The original copies of Vol. 21, No. 7 of the *Guidon* were withheld from distribution April 4 by Carl Honaker, acting principal, in the absence of James Lyons, principal, because of the content of the article and photograph printed in the blank space upon which this notice now appears."

Benninger, a senior, said, "I don't support the action taken by the high school administration. . . . I think the student press should have all the same rights as any other journalist does." Reported in: *Phoenix Gazette*, April 24.

#### **Grand Junction, Colorado**

Mesa College students had their traditional April Fool's Day farce edition of the student newspaper, the *Criterion*, held off newsstands for six hours, prompting the Student Body Association to pass a resolution condemning the college. Editor Laurey Maslyk said the delay cost the paper most of its readers, since most students had left campus by the time the papers were returned.

Paul Maffey, the college's publicity director, resigned as adviser for the paper after seeing the issue and ordered the confiscation. Published under the name *Weekly Orgasm*, the newspaper contained a lead story alleging the college's new \$8 million library was paid for through drug dealing. Sexual references appeared in stories, ads and cartoons.

Maffey said because the April Fool's edition was separated from the regular paper and "has no other value than what they call a joke," he was within his authority to seize the papers. Mesa College President John Tomlinson said he had no part in the decision and objected only to the fact that who produced the paper was not clear on its face. "We're strong supporters of the First Amendment around here," he said. Reported in: *Grand Junction Sentinel*, April 2.

#### **Ocean Springs, Mississippi**

The editors of a high school newspaper ceased publication May 9 after a five-month battle with the school administration over censorship. An editorial in *The Sting*, the newspaper for St. Martin High School in Ocean Springs, said "the staff cannot continue to publish under policies and guidelines established by our administration."

Controversy first erupted at *The Sting* in December, when editor Todd Fullam was removed from his job after publishing a letter to the editor criticizing the cafeteria's food and an editorial supporting the paper's right to free speech. Fullam was reinstated a day later, but only after agreeing to follow guidelines established by the school on what could be printed. Although the guidelines never were established, Fullam said, principal James Hodges began reading each issue. "I went along with it but I was never really happy with it," Fullam said. "I think the editor ought to make the final decision on what goes in the paper."

Fullam said the final straw for him came when Hodges removed some of the "wills" and "prophecies" submitted by graduating seniors to the final issues of the paper. For example, in one of the censored "wills," Fullam said, a student wished a friend luck with law enforcement officials, in hopes the student wouldn't get caught racing along highways. "We're not going to let them put something stupid like that in the paper," Hodges said. "If one of them wills their dope to someone else, I'm not going to allow that to be printed."

Susan Bailey, the appointed editor for next year, announced her resignation along with Fullam's. Bailey said the only way she would agree to go back was with a guarantee of complete freedom from administrative censorship. Reported in: *Jackson Clarion-Ledger*, May 9.

## **newspapers**

#### **Fairway, Kansas**

Six installments of *Doonesbury* that satirize the anti-abortion movie *The Silent Scream* were in the opinion of the strip's distributor too controversial to go out to newspapers, a Universal Press Syndicate official said May 24. It was the first time since the comic strip went into national syndication fifteen years ago that it was not distributed to newspaper subscribers, said Lee Salem, editorial director. The syndicate and *Doonesbury* creator Garry Trudeau agreed not to distribute the strips, Salem said.

*The Silent Scream* claims to show a fetus cringing and opening its mouth to scream during an abortion. Anti-abortion activists say the movements show the fetus to be in pain, but other medical personnel dispute that interpretation. The withheld *Doonesbury* strips set up a sequel called *Silent Scream II*, in which an abortion occurs within twelve minutes of conception. The narrator names the fetus "Timmy," refers to the mother as "the murderess," and reports that the fetus' last words were "Repeal *Roe v. Wade*."

"We thought it was an exceptionally controversial subject and that despite Garry's good handling of it, we thought that a lot of editors would not use it. We felt that the material was so controversial that it might kill the strip altogether," Salem said.

The strips were printed instead in the June 10 issue of *The New Republic* under a special arrangement. Salem said UPS and Trudeau agreed to let the magazine use the strip because "we thought it could be released elsewhere in publications which had an appropriate audience." Reported in: *Baltimore Sun*, May 25.

#### Dallas, Texas

On April 17 *The Dallas Times-Herald* dropped one of its most popular features, a satirical column called "Joe Bob Goes to the Drive-In." The following day, the Los Angeles Times Syndicate also dropped the weekly column by reporter John Bloom, who writes under the pen name Joe Bob Briggs, which it had distributed to 57 papers. On April 19, Bloom resigned from the *Times-Herald* and his Joe Bob column was picked up by Universal Press Syndicate which immediately began distributing the column to most of the papers which had received it from the *Times* syndicate.

The sequence of events came after a storm of controversy arose when the Briggs column spoofed African famine relief efforts. The column contained a parody of "We Are the World," the benefit record made by more than forty music stars. Briggs—a "drive-in movie critic" who is viewed by some as a real redneck and others as a vehicle for satirizing the redneck mentality—wrote lyrics such as: "There are Negroes dying/And it's time to make 'em eat" and "We are the weird/We are the starvin'/We are the scum of the filthy earth."

*The Times-Herald* was deluged with complaints and the paper ran a front-page apology April 16. It stated, in part, that the April 12 piece was "a misdirected attempt at satire" and that a "great deal of insensitivity was reflected in the column." That day, over two hundred people met with *Times-Herald* editor Will Jarrett to accuse Briggs of racism and demand that the column be dropped. After about an hour, Jarrett decided the group "made such a convincing case," that the column would indeed be terminated.

In explaining why the column was being dropped, Jarrett said it had "transitioned" since it began over three years ago. "When it first started, it was mainly self-deprecating humor about a redneck drive-in movie critic and his circle of friends," he said. "Then it 'transitioned' into making fun of discos in downtown Dallas. Then it 'transitioned' into ethnic humor, which was its undoing." Jarrett said Briggs started using ethnic humor about six to eight months earlier and that the

protesters probably had "pent up" feelings even before the fatal April 12 column. On April 17, *The Times-Herald* carried a story on the cancellation, which set off a flood of complaints from Briggs fans.

Bloom, who also wrote another Briggs column, Jock Talk, which was not syndicated and a column under his own name, continued to formally deny that he was Briggs. He said he was "shocked" that the April 12 column was considered more "outrageous and in bad taste" than other Joe Bob columns.

"I can't analyze the confused and muddled opinions of Joe Bob Briggs, but basically his only intent was to get a laugh. He has said many times that if people find anything of socially redeeming value in his columns, they should let him know so he can get rid of it immediately." The columnist said he was not consulted in advance about the public apology or the cancellation of the feature. He said he was pleased to be associated with Universal, which also distributes other controversial features like Garry Trudeau's *Doonesbury*. Reported in: *Editor and Publisher*, April 27.

## broadcasting

#### Hollywood, California

ABC-TV refused to let Sheena Easton sing her hit song "Sugar Walls" on the *American Bandstand* show because, in the words of a top network censor, the song is "suggestive of pornography." Instead, Easton sang "Swear," her most recent release, instead of the better-known song during her April 20 appearance on the show.

The decision to ban the song, written by rock idol Prince, was made by ABC's Department of Broadcast Standards and Practices. Standards and practices west coast vice president Tom Kersey said the song was rejected because its lyrics exceeded "any level of acceptance for a sexual fantasy."

*American Bandstand* producer Larry Klein said he routinely submits "red flag songs" to ABC censors for judgment, adding that rejections are rare. The last song he could recall being pulled from the show was the Trammps' "Disco Inferno" in 1978, which featured the then unacceptable line, "Burn the mother down." Easton performed "Sugar Walls" on the syndicated *Solid Gold* show March 30. Reported in: *Variety*, April 3.

#### San Diego, California

San Diego's largest cable television company, yielding to pressure from community leaders in San Ysidro, agreed to black out a May 15 Home Box Office

documentary, "Acts of Violence," which in part examined the July 18, 1984, massacre at a San Ysidro McDonald's restaurant.

"I don't think it's going to do anything but cause people anguish," said Paul Clark, president of the San Ysidro Chamber of Commerce. "It's an insult and a slap in the face to the city of San Ysidro and county of San Diego. Enough is enough."

"We're not going to run it primarily out of respect for the people massacred and for their relatives and friends," said Robert McRann, vice president and general manager for Cox Cable, which serves 255,000 customers in San Diego county. McRann said Cox received calls from viewers from all areas of its service in the county expressing concern. "We do have the legal right to be able to delete programs," he said, adding that such deletion was rare, occurring the last time in 1977. Reported in: *Los Angeles Times*, May 15.

#### **Boston, Massachusetts**

Responding to pressure from the Roman Catholic Church, WBZ-TV canceled an appearance on "People are Talking" of two editors of a book about lesbian nuns. Leading the opposition to the appearance was Rev. Peter Conley, secretary for community relations of the archdiocese, who complained in a letter to station general manager Thomas Goodgame that the show yielded to the sensational, bizarre and prurient. "It's insensitive to Catholics, and gives credence to a growing suspicion that anti-Catholicism is an acceptable bias," Conley wrote. The book, *Lesbian Nuns: Breaking Silence*, contains autobiographies of 51 nuns, 42 of whom have quit their orders.

"They were invited, yes, and they were disinvited," said WBZ program manager Barry Schulman, "and I will quote to you from a letter sent to Fr. Conley by our general manager. 'The program will not be scheduled because of the great sensitivity of Roman Catholics to the issue. Many, many letters about the booking revealed that it distressed a great portion of the audience, and we would respond in kind to other issues of kind that affect large numbers of people.'"

Although the editors, Rosemary Curb and Nancy Manahan, were not scheduled to appear until May 9, WBZ said April 4 that it had already received 80 letters, along with two petitions, one with 150 signatures, the other with fifteen, in protest. Reported in: *Boston Globe*, April 5.

#### **New York, N.Y.**

The showing of a CBS television "docudrama" based on the 1971 slaying of two New York City policemen by members of the Black Liberation Army was temporarily halted by a State Supreme Court judge. Reacting to a

\$2.6 million lawsuit filed by the family of one of the slain officers, Justice M. Hallsted Christ restrained CBS from showing *Badge of the Assassin*.

The widow and two teenaged daughters of slain officer Joseph Piagentini charged that the movie would violate their privacy. "I never thought that my husband's death was to be made the subject of television entertainment," Diane Piagentini said. "I have not remarried and I have tried to blot out of my mind this whole unfortunate occurrence which has devastated my life." Reported in: *Newsday*, April 2.

## **publishing**

#### **Milwaukee, Wisconsin**

A broad front of national Jewish organizations, along with the Jewish Book Council of the Jewish Welfare Board, an umbrella group, have protested publication of a children's Passover storybook that briefly mentions Jesus Christ. Blu Greenberg, JBC president, deplored what he called the book's "mixing Christian and Jewish concepts as though they are one." The book, *The Story of Passover for Children*, a 24-page paperback, was issued by Ideals Publishing of Milwaukee, a subsidiary of Thomas Nelson, a Nashville Christian publishing house.

"It's a lovely little book, a way for children to get better acquainted with each other," said Donal Gottschalk, president of Ideals. He said the book, by Jewish writer Naomi Galbreath of Milwaukee, was intended to encourage interfaith understanding.

The book includes an illustration of Jesus sharing the seder with his disciples and its only mention of him reads: "Years past, a Jew from Nazareth, a carpenter, broke bread with friends at his last supper when Passover prayers were said. His name was Jesus and he knew the meaning of the feast, that God has shown his goodness; men from bondage were released."

The joint protest by the American Jewish Congress, the American Jewish Committee, the Anti-Defamation League of B'nai B'rith, the National Jewish Community Relations Council and others, said: "Jewish children should indeed learn about Christian celebration and Christian children about Jewish celebration. But children should be taught in a manner . . . respectful of the particularity and distinctiveness of our respective religious traditions."

The joint protest asked that the Passover book be recalled and reissued under a different title, *A Christian Storybook of Passover for Children*. Reported in: *Washington Post*, April 6.

## advertising

### Philadelphia, Pennsylvania

A 60-second advertising spot critical of the Philadelphia Electric Company's construction of a nuclear power plant, produced by the environmental group Del-AWARE Unlimited, was rejected by several Philadelphia area radio stations after phone calls to the stations by the utility's advertising agency, according to the environmentalists. "They used some heavy-handed tactics to prevent our stuff from going on the air," said Walt McRee, who wrote and narrated the advertisement.

McRee said the group's spots were offered to half a dozen of the area's leading radio stations, but only two had broadcast them. He said some of the others said they maintained policies against airing paid messages on controversial topics. Steven Levine of Kalish & Rice advertising agency admitted that he had spoken to station officials about the Del-AWARE ads, but called the charge that he had pressured the stations to reject them "preposterous." "Where I spoke to any radio station it was simply to ask whether they had substantiated the claims" made in the commercial.

Station WWDB-FM, which did broadcast the ad, received such a call, according to Eugene Vassall, general sales manager. "We were never under any pressure of any kind to either run them or not run," Vassall said. Reported in: *Philadelphia Inquirer*, April 6.

## foreign

### Beijing, China

The Chinese Government announced April 20 that it would ban the import or manufacture of a broad range of what it called obscene materials, including explicit films and magazines, sex aids and aphrodisiacs. An edict published in the *People's Daily* said the ban covered all audio-visual and printed matter that "specifically portrays sexual behavior or publicizes pornographic and lascivious images." Also forbidden were "toys and articles for use with such pictures, as well as aphrodisiacs and sex aids." The decree gave no examples, but Chinese newspapers carry advertising daily for "rejuvenating" and "restorative" potions.

Excluded from the ban were explicit literary works with artistic value, paintings showing the beauty of the human body and textbooks on physiology and medicine. Reported in: *New York Times*, April 21.

### Cairo, Egypt

An Egyptian judge approved the confiscation May 19 of 3,000 copies of an unexpurgated edition of *A Thousand and One Nights*, on the ground that the centuries-old Arabic classic contained obscene passages which posed a threat to the country's moral fabric. Judge Ahmed el-Hossainy also fined a publisher and two booksellers 500 pounds each, about \$600, for violating Egypt's pornography laws by printing, importing or distributing the new edition of the book.

The judge said his decision was not aimed at banning all copies of the book and affected only the 3,000 copies seized in early May by the Ministry of Interior. But writers and intellectuals said the confiscation set a dangerous precedent. "If we continue to censor and eliminate obscene words from our literature, it will not stop there," said Anis Mansour, former editor of *October*, a prominent Arabic journal.

Several critics of the decision said the ruling reflected growing Islamic fundamentalist sentiment. Conservative Islamic forces have been demanding a crackdown on what they see as pornography and other "un-Islamic" influences. "This is but one of several signs that the religious trend is gaining momentum here," said Mohammed Sid Ahmed, a writer for the left-wing weekly *Al Ahali*.

A few weeks earlier the Egyptian Supreme Court struck down a 1979 law opposed by fundamentalists that enhanced the right of women to sue for divorce and gain custody of their children. The Egyptian Parliament also voted to "scientifically and systematically" review Egypt's laws to eliminate those inconsistent with Islamic law.

Brig. Adley el-Kosheiry, head of the morals department of the Interior Ministry, which prosecuted the case, told reporters that the new edition of *A Thousand and One Nights*, printed in Beirut, posed a threat to the morals of Egyptian youth. "The book is not part of our heritage," he said. "But even if it were, any part of our heritage which includes dirty words should be locked up in a museum and an expurgated version should be made available to youth." Reported in: *New York Times*, May 20.

### Tokyo, Japan

Novelist Yukio Mishima's ritual suicide by disembowelment fifteen years ago shocked Japan. Now, a dispute unfolding around the first Tokyo International Film Festival suggests the passage of time has not dampened emotions about the enigmatic man, a symbol of extremist nationalism.

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## from the bench



### U.S. Supreme Court

The Supreme Court April 16 gave the Central Intelligence Agency absolute power to keep its sources of information secret, even if the sources are not confidential and the information itself is not classified. Under the ruling, information the agency says it needs to "perform its statutory duties with respect to foreign intelligence" is exempt from disclosure under the Freedom of Information Act. The exemption applies regardless of whether the information is shown to have a bearing on national security and regardless of whether the source of the information is a newspaper or magazine in general circulation.

The decision, written by Chief Justice Warren E. Burger, overturned a ruling by the U.S. Court of Appeals for the District of Columbia. That court, in ordering the release of the names of researchers who participated in a long-running CIA study of the control of human behavior, had adopted a considerably narrower definition of the "intelligence sources" entitled to exemption.

The Supreme Court vote in the case was 9-0, but Associate Justices Thurgood Marshall and William J. Brennan, Jr., refused to sign Chief Justice Burger's opinion. In a separate opinion by Marshall, they agreed with the majority that the Court of Appeals had gone too far in curbing the agency's discretion. But they said the majority went too far in the other direction by establishing "an irrebuttable presumption of secrecy over an expansive array of information."

The Freedom of Information Act provides that an agency need not disclose "matters that are specifically exempted from disclosure by statute." The CIA based

its refusal to disclose the researchers involved in the project on a 1947 statute, the National Security Act. That act provided that "the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure."

The ruling directly applies to the CIA, but the reasoning might also apply to all agencies engaged in foreign intelligence, including the National Security Agency, the Defense Intelligence Agency, the National Reconnaissance Office, the FBI's counterintelligence branch and intelligence units of the State Department and other agencies.

The case, *Central Intelligence Agency v. Sims*, involved a 1977 Freedom of Information Act suit against the CIA by attorney John C. Sims and Sidney Wolfe, director of Public Citizens Health Research Group. Sims and Wolfe sought the names of individuals and institutions that had performed research under the CIA's infamous MK/ULTRA project, which was financed from 1953 to 1966 to counter alleged Soviet and Chinese "brainwashing" techniques.

The project included drug experiments in which researchers administered LSD and other dangerous drugs to unwitting persons. At least two people died as a result of the experiments and others may have been seriously injured.

The agency refused to reveal the researchers' names or the institutions involved. Sims and Wolfe argued that the agency could not claim that releasing the information could damage the United States because the information was not classified and because many of the researchers and institutions were not promised confidentiality and did not even know that the CIA was sponsoring the research. The appeals court ordered much of the information released, defining "intelligence sources" as only those to which the CIA had to guarantee confidentiality in order to obtain the information.

"The court of appeals underestimated the importance of providing intelligence sources with an assurance of confidentiality that is as absolute as possible," Burger wrote. Under the appeals court's approach, he said, the agency "would be forced to disclose a source whenever a court determines, after the fact, that the agency could have obtained the . . . information supplied without promising confidentiality."

"We seriously doubt whether a potential intelligence source will rest assured knowing that judges, who have little or no background in the delicate business of intelligence gathering, will order his identity revealed only after examining the facts of the case to determine whether the agency actually needed to promise confidentiality in order to obtain the information," Burger said.

The ruling was not limited to human sources of intelligence. Burger said the CIA might well conclude that a foreign government could benefit from knowing that the agency subscribes to "an obscure but publicly available Eastern European technical journal," and that information, too, could be withheld. In his minority opinion, Justice Marshall bemoaned the fact that "even newspapers and public libraries, road maps and telephone books appear to fall within the definition adopted by the court today."

Paul Alan Levy, an attorney for Sims and Wolfe, called the ruling a "severe setback for the public's right to learn about abuses by national security agencies and for the principle that decisions of those agencies are subject to judicial review." The CIA, he said, would be able to withhold information "even if it does not or cannot show disclosure would be harmful to the national security." Reported in: *Washington Post*, April 17; *New York Times*, April 17.

On May 20, the Supreme Court ruled that *The Nation* magazine infringed the copyright on the memoirs of former President Gerald R. Ford by printing unauthorized quotations from the book several weeks before its 1979 publication date. The 6-3 decision overturned a ruling in the magazine's favor by the U.S. Court of Appeals for the Second Circuit, which ruled in 1983 that *The Nation's* verbatim use of 300 words from the memoirs, within an article of 2,250 words was acceptable under federal copyright law as "fair use" news reporting on a subject of public interest.

Writing for the Supreme Court, Associate Justice Sandra Day O'Connor said that "no author may copyright facts or ideas." *The Nation* had "every right to seek to be the first to publish information." But, she continued, by building its article around President Ford's actual words, rather than on the historical information in the book, the magazine "went beyond simply reporting uncopyrightable information" and "effectively arrogated to itself the right of first publication."

"The promise of copyright would be an empty one if it could be avoided merely by dubbing the infringement a fair use 'news report,'" Justice O'Connor concluded. The majority based its finding of copyright infringement not on the number of quoted words, but on a variety of other factors. These included the Court's finding that the quotations were the "dramatic focal points" of the article as well as the fact that the book had not yet been published. The Court placed particular emphasis on what it called the "valuable right of first publication." In addition, the majority appeared disturbed by *The Nation's* behavior, which O'Connor referred to as "piracy" and "scooping."

The Court rejected the theory, which was inherent in the ruling by the Court of Appeals, that "fair use" of copyrighted material should be defined more generously

when the material involves matters of "high public concern." The appellate court said that such an approach was necessary to insure that copyright law did not conflict with the First Amendment's protection of free speech and a free press.

"It is fundamentally at odds with the scheme of copyright to accord lesser rights in those works that are of greatest import to the public. Such a notion ignores the major premise of copyright and injures author and public alike," Justice O'Connor wrote. An author, she added, also has a "countervailing" First Amendment right "to refrain from speaking at all," and that this silence could be forfeited if someone else took control over the timing of publication.

The financial stakes in the case, *Harper & Row v. The Nation*, were not high; as a result of the decision the magazine is liable for \$12,500 in damages for copyright infringement. That is the amount that Harper & Row and the *Reader's Digest* lost when *Time* magazine canceled its scheduled payment for the right to run an exclusive 7,500 word pre-publication excerpt.

In a dissent, Associate Justice William J. Brennan, Jr., said the Court had taken an "exceedingly narrow definition of the scope of fair use." He said that "this zealous defense of the copyright owner's prerogative will, I fear, stifle the broad dissemination of ideas and information copyright is intended to nurture."

Brennan said the majority had paid inadequate attention to the Ford memoirs' essential character as an account of history, which cannot be copyrighted. The decision thus "effects an important extension of property rights and a corresponding curtailment in the free use of knowledge and of ideas." The Court has perhaps advanced the ability of the historian, or at least the public official who has recently left office, to capture the full economic value of information in his or her possession. But the Court does so only by risking the robust debate of public issues that is the 'essence of self-government.' *The Nation* was providing the grist for that robust debate. The Court imposes liability upon *The Nation* for no other reason than that *The Nation* succeeded in being the first to provide certain information to the public."

According to Brooks Thomas, president of Harper & Row, "The decision proves once and for all that you cannot appropriate another person's expression just by calling it news. It's a victory for the First Amendment."

However, Victor Navasky, editor of *The Nation*, warned that the decision would not advance the cause of free expression. "To impede the free flow of information," he said, "even under the guise of fair use, cannot in the long run be a good thing for publishers, or writers or readers. To permit public officials, such as former President Ford, to withhold

public information, the news, for private profit undermines the public's right to know and dangerously commercializes the political process." Reported in: *New York Times*, May 21.

On a tie vote March 27, the Supreme Court let stand a ruling that may require Scarsdale, N.Y., which has a large Jewish population, to allow a nativity scene in a public park in the center of town. The vote, tied because Justice Lewis F. Powell, Jr., did not participate due to illness, set no national precedent.

Last year, the Court ruled 5-4 that Pawtucket, Rhode Island, could include a publicly owned nativity scene as part of its municipally sponsored Christmas display. The Scarsdale case, *Board of Trustees of the Village of Scarsdale v. McCreary*, tested whether a local government opposed to using land for that purpose could be forced to do so. Officials in the New York suburb had allowed the display for 24 years but voted in 1981 against allowing the privately owned creche on public land.

An appeals court, citing the Pawtucket case and a 1981 Supreme Court decision that a state university could not bar religious groups from meeting on campus, said the park was a public forum that had been used by other groups. The village therefore could not deny its use to any group solely because of the group's "speech." Reported in: *Washington Post*, March 28.

## libel

### Washington, D.C.

In a decision with potentially devastating effects on investigative reporting, a panel of the U.S. Court of Appeals for the District of Columbia reinstated a jury verdict that the *Washington Post* had libeled the president of the Mobil Oil Corporation in a 1979 article. The article said that William P. Tavoulaareas had "set up his son" in business in a shipping company that had dealings with Mobil. In a 2-1 decision, the panel ruled that it was "inappropriate" and "improper" two years ago for U.S. District Court Judge Oliver Gasch to overturn the jury's decision after the jurors ruled against the *Post*.

The sharply worded majority opinion, written by Senior Circuit Judge George E. MacKinnon and joined by Judge Antonin Scalia, provoked vigorous protests from editors and First Amendment lawyers. In a novel and, to many, ominous development, the court held that a newspaper's general orientation toward "hard-hitting investigative stories" could, together with other evidence, support an inference that it was inclined to publish reckless falsehoods.

The decision was also noteworthy for the degree to which the court opened the door for a jury to consider a

wide array of circumstantial factors in deciding whether an article had been written with intentional or reckless disregard for whether what is said is true or false—with "actual malice," in legal jargon. The difficulty of establishing "actual malice" could be substantially eased if other courts are as liberal in letting jurors rest their verdicts on factors ranging from the emphasis of a news organization on attention-getting articles to how it makes editorial judgments about conflicting or ambiguous material.

In his opinion, MacKinnon apparently cast a new light on a key Supreme Court decision last year in *Bose v. Consumers Union*, which had generally been regarded as favorable to the press. In *Bose*, the Supreme Court ruled that lower courts have a special responsibility to scrutinize libel awards that trial judges and juries give to public figures. But in the *Post* case, the court ruled that neither the *Bose* decision nor the landmark 1964 libel decision, *New York Times v. Sullivan*, "suggests that a district court or a court of appeals is to substitute its assessment of credibility or its general appraisal of the evidence for that of the jury."

Bruce Sanford, counsel for the Society for Professional Journalists, said such a reading "stands the *Bose* decision on its head. The impact could be enormous. What this two-judge decision has done is undercut the effect of the *Bose* decision which stated in the strongest possible terms the painstaking task that judges have. This says the job isn't that painstaking, isn't that searching, that they don't have to assess the credibility of the evidence."

For reporters and editors, the most troubling part of the decision was the court's apparent view that a newspaper "which seeks, among other things, hard-hitting investigative stories," should be at a special disadvantage when sued for libel by a public figure. "What they seem to be saying is that if you're a certain kind of newspaper, then you are more likely to be guilty of libel," said A.M. Rosenthal, executive editor of the *New York Times*. "What they're describing here is a good newspaper," he added, later saying that he considered the decision "garbage" and would "basically ignore it."

In a strong dissent, Judge J. Skelly Wright remarked that the majority "appears to criticize what it takes to be the general climate in journalism today" and to evince "deep hostility to an aggressive press." The majority's approach, "thrusts this court far too deeply into the nuances of editorial discretion," Wright noted. "The notion that a policy of muckraking and hard-hitting investigative journalism is somehow evidence of actual malice is deeply troubling, contrary to the nation's tradition of a free and aggressive press, and entirely unsupported by precedent."

Saying he had "no doubt" that the Constitution pro-

tected the *Post's* right to print the story on Tavoulareas, Wright added that if the jury's verdict is upheld "on these mundane, flimsy facts," newspapers will "steer clear of unpleasant news stories," create a "class of un-touchables" who cannot be subjects of such stories, and abandon what the *Sullivan* decision called the "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open." The decision was binding only in the District of Columbia and the *Post* was likely to appeal to the full Court. Reported in: *Washington Post*, April 11; *New York Times*, April 11.

#### St. Louis, Missouri

The U.S. Court of Appeals for the Eighth Circuit April 10 reinstated a \$10 million libel suit filed by South Dakota Governor William J. Janklow against *Newsweek* magazine. The case was sent back to federal court in South Dakota.

The case involves a February 1983 *Newsweek* article that said Indian activist Dennis Banks had brought charges against Janklow in tribal court in 1974 for the rape several years earlier of a fifteen-year-old Indian girl. The *Newsweek* account said federal authorities had found insufficient evidence to prosecute Janklow. The magazine allegedly implied that Janklow acted from revenge when, as Deputy Attorney General, he prosecuted Banks on riot and assault charges.

Janklow sued the magazine for libel, but U.S. District Court Judge John B. Jones threw out the suit, ruling that Janklow had failed to meet the legal tests for libel against a public figure. The appeals court said it was up to a jury to decide whether *Newsweek* had libeled Janklow. "We express no opinion on the ultimate resolution of this issue," the court said. "We merely hold that the issue of actual malice has not been adequately developed to enable us to rule on that issue in this appeal."

In a dissent, Judge Richard S. Arnold wrote, "The implication that the plaintiff prosecuted Banks to get revenge for the rape charge is not actionable. It is a statement of opinion about the motives of a public official and should be absolutely privileged under the First Amendment." The majority decision, written by Judge Pasco M. Bowman, with Judge George Fabb concurring, disagreed. Reported in: *Washington Post*, April 11; *New York Times*, April 11.

## political expression

#### Asbury Park, New Jersey

A federal judge ordered the city of Asbury Park May

1 to open the doors of a public senior citizens center to a tenant group seeking to reach out to senior citizens. The group had been barred by local and county officials from using the center on the grounds that tenants' concerns such as rent control are "political" matters, and municipal and county policy prohibits political meetings in senior citizens centers prior to local elections.

U.S. District Court Judge Maryanne Trump Barry issued an order, however, directing the city to allow the group to address the seniors. The order was issued after attorneys for the group, the Asbury Park Tenants' Association, along with representatives of the ACLU, protested that the "no politics" policy violated constitutional rights of free speech and free association. Reported in: *Newark Star-Ledger*, May 2.

#### Newark, New Jersey

A federal judge said April 11 that he was "constrained" by law to uphold the constitutionality of local New Jersey ordinances banning evening door-to-door canvassing by political groups, but warned that the bans could jeopardize the survival of such organizations.

U.S. District Court Judge Harold A. Ackerman said he did not believe that grassroots political organizations have any "meaningful alternatives" to evening canvassing, but said he was "bound" by a federal appeals court ruling to uphold the New Jersey regulations. "Door-to-door canvassing for ideological causes," Ackerman said, "has long been held to be protected by the First Amendment to the United States Constitution." Nevertheless, the judge said, a prior ruling by the U.S. Court of Appeals for the Third Circuit upholding a similar ban in Pennsylvania was "binding" on him.

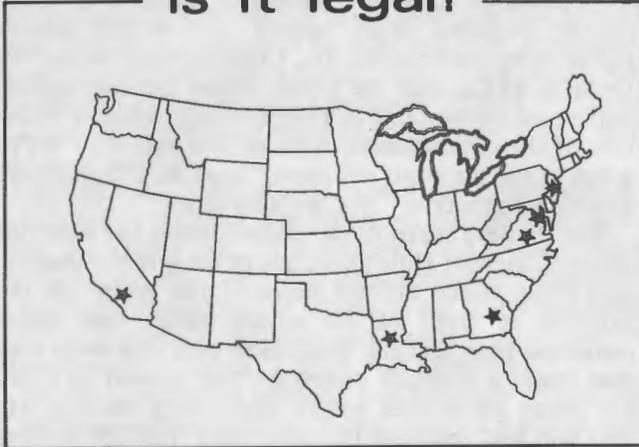
ACLU attorney Frank Askin said the decision set the stage for a further legal appeal. "We lost the battle, but I think we won the war," Askin declared. "While he rules against us on the law, he finds the facts are in our favor." The ACLU attorney said he was "anxious" to seek a review by the Third Circuit and said, "If necessary, we will go to the Supreme Court."

Ackerman's ruling came in a suit filed by two groups, New Jersey Citizens Action and the League of Conservation Voters, against ordinances in Paramus, Harrington Park, Woodcliff Lake, North Arlington, Piscataway, and Woodbridge. Four other towns, Edison, Nutley, Roseland, and Glen Ridge, earlier agreed to canvassing hours with the plaintiffs.

The groups, who obtain much of their funding

(continued on page 130)

## is it legal?



### schools

#### Shreveport, Louisiana

There will be no reprimand of three Bossier High School biology teachers who showed an anti-abortion slide show and distributed anti-abortion, religious literature to tenth grade biology students March 22, said Bossier Principal Freddy Shewmake and Superintendent Jap Gullatt, Jr. Shewmake also said pro-choice groups will not be invited to present their side.

Shewmake called the screening of *Massacre of the Innocents* to about 200 students a "small mistake" made by "outstanding, sincere teachers," and said he stressed to the teachers he must preview any controversial films in the future. "No action will be taken against the three. No one I felt was really hurt by it," Shewmake said. "In fact, it had very positive effects. Students want to form groups against abortion. The overwhelming majority felt it was very much needed. The only problem was a pamphlet that went home, and it was definitely pro-life."

"It was something they knew was illegal, and it should have been something more than a slap on the wrist," said Iris Keen, whose daughter saw the film at school. Keen said she opposes abortions herself, but believes public schools should present only clinical, not emotional information about the issue. She called the film and tracts "emotional blackmail."

Among the literature distributed was a typed letter, "You Had An Abortion," addressed to a person who had an abortion and signed by "Jesus Christ." The let-

ter included scripture and ended with a prayer: "Lord Jesus, I know I am a sinner. Forgive me for the abortion." The literature also included pictures of babies in garbage bags and bloody fetuses, Keen said. Reported in: *Shreveport Journal*, March 25.

#### Goochland County, Virginia

A decision by the Goochland County School board to allow the Gideons International to distribute New Testaments in county schools attracted the attention of the Anti-Defamation League. Ira Gissen, director of the Virginia-North Carolina region of the ADL, said that the school board's April 9 decision to allow placement of the Bibles in schools "raises a significant constitutional question."

"Our view, which has been upheld by many legal authorities, is that government shouldn't be in the business of distributing Bibles, any kind of Bible, particularly in a situation where children are a captive audience," Gissen said.

The school board's decision allows the testaments to be made available in the schools. Pupils then will be notified of the books' availability, and fifth- through 12th-graders can have a copy if they want one. School superintendent Roland P. Clement, Jr., said that while he was concerned about equal access and other sectarian groups requesting similar privileges, other area school divisions he had checked with also allow the distribution. The Goochland board action was opposed by only one school board member, Robin R. Lind, who said he feared the decision would set a bad precedent. Reported in: *Richmond News-Leader*, April 29.

### political expression

#### Washington, D.C.

FBI director William Webster testified April 17 that FBI agents have questioned one hundred U.S. travelers to Nicaragua. But he denied that the interviews were meant to intimidate critics of the administration's foreign policy. Webster told members of the House Judiciary subcommittee on civil and constitutional rights that "there was a specific foreign counterintelligence reason for each case" and that "it was not the function of the FBI to educate individuals about political issues or chill political debate."

But Rep. Don Edwards (Dem.-California), chair of the subcommittee, and three other Democratic members, argued that at least some of the cases appeared to have the effect of intimidating critics. Rep. Patricia Schroeder (Dem.-Colorado) cited one case that

she said appeared to fall outside government surveillance guidelines. Schroeder said that on March 24 an agent of the Defense Investigative Service telephoned one of her staff assistants in Denver to ask about individuals who had attended a prayer meeting commemorating the 1980 assassination of El Salvador's Archbishop Oscar Romero. The investigator reportedly asked the assistant if she had seen anyone selling newspapers at the service and if she would be willing to identify those attending.

David Lerner of the Center for Constitutional Rights, a New York civil rights group, said the group had been informed of about 25 cases in which critics of the administration's foreign policy were subjected to FBI questioning or other activity in the first three months of 1985. In one case, the Customs Bureau in Miami seized the diary and address book of Edward Hasse, a freelance journalist, as he was returning from a 2½ month visit to Nicaragua. It then allowed the FBI to copy the material. The Center, which has brought a suit against the FBI charging that its actions violated Hasse's First Amendment rights, obtained a temporary restraining order preventing the Bureau from disseminating Hasse's material in any form. Reported in: *Minneapolis Star & Tribune*, April 18.

#### **Claxton, Georgia**

The constitutionality of a Claxton city ordinance requiring permits for public gatherings under which two Ku Klux Klan leaders were jailed March 30 will be determined in court. Mayor Perry Lee DeLoach said that although Imperial Wizard Jim Blair and Great Titan James Harry, both from Alabama, were released and charges were dropped, he would stand by the ordinance unless a court rules against it.

Klan members said they would file a challenge, but DeLoach said, "if they don't test it, we will. We don't want to try to enforce an ordinance that is illegal or unconstitutional." The law in question requires any group wishing to hand out literature, hold a public gathering, or solicit funds to give the city 72 hours notice and to get a permit from the city. The Claxton City Council, however, suspended the issuance of permits for sixty days after those attending a Klan rally and a church meeting by black civil rights activists were kept apart by 60-70 law enforcement officers.

"We think our ordinance is enforceable and legal," the mayor said. "They think it's too strong and against their constitutional rights. It's a stand-off right now." Reported in: *Savannah News*, April 1.

#### **Haledon, New Jersey**

Haledon police detained six members of a group advocating resistance to draft registration May 7 as they

were about to distribute leaflets to students at Manchester Regional High School. An ACLU lawyer representing the organization, Citizens Aware Resist the Draft (CARD), said the group would file suit against police and the borough in federal court, charging violation of the constitutional right of free speech. "We're going to sue the pants off them," said ACLU attorney, Deborah Karpatkin. "We are very angry."

The six were taken to the police station but were not charged. Stewart Hutchison, one of the group's leaders, said three police officers accosted the group on the sidewalk in front of the school before they could distribute their leaflets. Hutchison said they were told that under a borough ordinance they needed to apply for police permission before distributing leaflets. He said they had been told the same thing April 29. At that time, the group dispersed and consulted its attorneys.

Police Director Raymond Chiapelli said the leafletters had trespassed on school property. "They wouldn't back off school property, and they were brought in to be checked," he said. "They were aggressive; they were belligerent. They were just throwing things in cars."

"We do not enter school property," Hutchison responded. "We do stay on the sidewalk. We carry no banners; we chant no slogans; we carry no signs. We are there specifically to offer young people our leaflet, which informs them of their right to resist the draft. The only conceivable objection to us was on political grounds. One time, chalk it up to overzealousness. I think they've overstepped their bounds." Reported in: *Hackensack Record*. May 8.

## **visas**

#### **Toronto, Canada**

Farley Mowat, a prominent Canadian writer on wildlife and conservation, was denied entry to the United States April 23 under a statute that denies entry to Communists and anarchists. Authorities said he was affiliated with leftist organizations.

Mowat, who had not visited the United States in twenty years, was about to board a plane for Los Angeles when informed of the refusal. According to Harry Evans of Atlantic Monthly Press, Mowat's publisher, the author had been planning to visit the U.S. to promote his latest book, *Sea of Slaughter*, which attacks the human destruction of wildlife in the northeastern seaboard of Canada and the United States.

Duke Austin of the Immigration Service in Washington said Mowat had been listed "for many,

many years" in the service's "lookout book," a list of people not admissible to the U.S. for various reasons. an unnamed source close to the Service said that Mowat was considered dangerous because in a 1968 newspaper article he claimed to have fired a bullet at a Strategic Air Command plane. Mowat responded "There are some people in your State Department that don't have any sense of humor."

In 1967 and 1968 Mowat visited the Soviet Union, which led to his book *The Siberians*, published in 1970. But, the author said, "I have never been a Communist sympathizer, nor have I ever been accused of being one. I have entertained Soviet writers in my home and have been hospitable to Russians in Canada just as I am to Americans in Canada. I don't play favorites."

After considerable pressure was mounted by leading Canadian political figures, Mowat received a waiver and was permitted entry to the country, but only for the book tour. The author consequently declined. Reported in: *New York Times*, April 24; *Publishers Weekly*, May 10.

#### Washington, D. C.

Father Ernesto Cardenal, the poet and Minister of Culture of Nicaragua, arrived in the U.S. April 28 after uncertainty over whether the State Department would grant him a visa. Cardenal came to participate in the Latin American Book Fair at New York University May 3-5.

According to State Department representative Diana Dillard, the U. S. Embassy in Managua informed Cardenal in mid-April that he was "ineligible under the Immigration and Naturalization Act, since he is a member of a proscribed organization."

David Ungar, an organizer of the book fair, said he assumed the organization was the World Peace Council. When he learned that the State Department appeared to be denying Cardenal's visa, Ungar said, he contacted numerous organizations and individuals. On April 26, Dillard said the visa had been granted.

Ungar said he had explained in a letter to Sen. Alfonse D'Amato (Rep.-N.Y.) that writers had been invited to the book fair "not according to their political beliefs but rather for the quality of their writing. The conference is a celebration of the written word, and in this country we assume there still exists freedom of the written word. How can we criticize a country like Nicaragua or Cuba for placing limits on cultural expression if we deny access to anyone?" Reported in: *Publishers Weekly*, May 10.

## broadcasting

#### Washington, D.C.

The Federal Communications Commission (FCC) has ruled that the broadcast of programs advocating racial hatred and disregard for the government is not ground for denying the renewal of a radio broadcast license. In rejecting petitions opposed to the application of radio station KTTL-FM in Dodge City, Kansas, based on its program content, the commission held 5-0 April 26 that such broadcasts fall within the First Amendment guarantees of free expression.

But the FCC, noting that a competing application for the same frequency had been filed, did designate the station's renewal application for a comparative hearing, which puts the current licensee and the competing applicant largely on an equal footing. In ordering the hearing, the FCC directed its administrative law judge to investigate the qualifications of KTTL's owners, Charles and Nellie Babbs, to hold a license based on the agency's character requirement.

Also, four commissioners, strongly dissenting from Mark S. Fowler, the FCC's controversial chair, asked that an examination be made of the station's compliance with commission rules requiring documentation of an assessment of community issues and broadcast of programs to address those issues. The majority said they felt the station had failed to meet this requirement.

During the Fall of 1983 and winter of 1984, the station aired more than 200 hours of sermons by William P. Gale and James P. Wickstrom in which they made "crude, derogatory and defamatory" statements about blacks and Jews. They also attacked the government, lawyers, judges and bureaucrats and encouraged disregard of the law, according to John F. Kamp of the FCC Mass Media Bureau.

The commission said the First Amendment and Section 326 of the Communications Act barred it from "censoring broadcast material or interfering with the licensee's discretion in selecting and broadcasting particular programming." It said the opponents of renewal had failed to prove that there were violations of the Fairness Doctrine, which would have compelled the station to offer air time to people with different points of view.

The FCC said it "would not punish" licensees for airing the programs in question "unless speech, no matter how abhorrent, creates a clear and present danger of serious evil that rises far above the public inconvenience, annoyance or unrest" or unless the programs were broadcast in violation of the Communications Act or its regulations. Reported in: *New York Times*, April 29.

## Washington, D.C.

The Federal Communications Commission April 11 rejected complaints that television shows featuring such toy stars as Strawberry Shortcake and the Smurfs are nothing more than program-length commercials aimed at children. Action for Children's Television and the National Association for Better Broadcasting had protested these shows, arguing that they were really commercials unfairly disguised as legitimate children's programs (see *Newsletter*, May 1985, p. 89).

"With this vote," ACT president Peggy Charren said, "the FCC disowned America's kids and adopted the toy industry. We will give them speech designed to sell brand-name commercials. That is the wool that the toy industry pulled over the eyes of the FCC."

In its ruling, the commission said it found no violations that would trigger agency involvement. Moreover, the commission said that if commercial rewards from products were the criteria for imposing restrictions on children's programming, other shows such as *Sesame Street* would face the same scrutiny. Other FCC officials cautioned later that the commission would become concerned if TV stations carried advertisements in the show for products featured in that program.

In a related action, the FCC also refused to prohibit arrangements between toy manufacturers and broadcasters that allow TV stations to share in the profits from sales of toys featured in TV shows. ACT had asked the commission last year to ban these arrangements on the grounds that broadcasters would be more inclined to select programs from which they could make the greatest profits. Reported in: *Los Angeles Times*, April 12.

## press freedom

### Washington, D.C.

The White House Correspondents' Association April 28 accused the Reagan administration of using the Secret Service to keep the news media at bay in the name of protecting the president. The report, which followed a three-month survey of veteran White House reporters, also cited "harassment" by the Secret Service and "a growing degradation of civility" among agents, as Jeremiah O'Leary of the *Washington Times* was quoted as saying.

The analysis said the White House press pass has been "devalued" in recent years so that reporters are often given less access or freedom in dealing with the president than the general public.

The survey, released by outgoing association president Sara Fritz of the *Los Angeles Times*, said that,

among other things, longtime White House journalists have had their equipment repeatedly searched, including one veteran who said that an agent opened his shaving cream. Journalists with long records of covering the White House have missed events because of second or third searches during the same trip, the report said. "When they stop you and know full well who you are, you have to conclude that they want to show who's in charge," Ira Allen of UPI said.

"In previous administrations, the White House press pool was permitted to follow the president at a reasonably close distance in all public places," the survey said. "Under Reagan, however, pool access to the president has eroded to such an extent that many reporters fear that the pool system is on the verge of extinction."

White House assistant press secretary Mark Weinberg refused to comment on the charges, saying, "As the White House press office has not been consulted in the preparation of this report, I have no comment." Robert Snow, assistant director of the Secret Service, said the "overall premise of the report is not correct. Most of us don't see anything different in this administration than any other administration in this regard." Reported in: *Washington Post*, April 29.

## freedom of information

### Washington, D.C.

The Defense Department told the sponsor of a technical symposium that it had to cancel the presentation of approximately a dozen unclassified research papers because the information might help enemies of the United States. In addition, the department ordered the sponsor, the Society of Photo-Optical Instrumentation Engineers, to restrict the audience attending the presentation of two dozen other technical papers that were also unclassified.

The Pentagon contended in this case and others like it that it has the authority to limit distribution of information under the Export Control Act, which bars the export of sensitive technology without a license. When speeches and papers are involved, the Defense Department has said that the presence of foreign scientists in the audience could lead to unauthorized export of information. The legal authority asserted by the government has never been challenged in court, but leading universities and professional associations have objected to the restrictions.

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The scientific and engineering work of members of the photo-optical society are of special interest to the Pentagon because of their application to such areas as lasers, communications with submarines by way of satellites, and the use of satellites to assure compliance with various nuclear treaties. The bulk of the research conducted by members of the society and others like it is financed by the department. In August, 1982, the Pentagon surprised many American scientists and engineers when it demanded the withdrawal of more than 100 papers from a symposium organized by the same organization.

"The Defense people see themselves at war, while most of the rest of us think we're living in a peacetime environment," said a senior official of the organization. "Some people feel the restrictions damage the United States by curbing the exchange of information needed for research. The Pentagon disagrees." Reported in: *New York Times*, April 8, 9.

## **pornography**

### **Washington, D.C.**

The Justice Department has approved a \$734,371 study of *Playboy*, *Penthouse* and *Hustler* magazines to determine whether they play a part in juvenile delinquency or sexual exploitation of children. The review is a slightly scaled-down version of a \$798,531 study that was to have included nonsexual magazines and other literature. That study was approved in December, 1983, but was on virtual hold since late 1984 because of congressional criticism.

The revised project, which will include a review of all 660 issues of *Playboy*, *Penthouse* and *Hustler* published through December, 1984, is being conducted by Judith Reisman, a former songwriter for the "Captain Kangaroo" television show. The study is based at American University. A project official said that there are seven full-time employees handling the study, along with twelve part-time data analysis personnel.

According to the Justice Department, issues of particular concern include:

- "Sexual depiction of children with fairy tale characters and themes such as Santa Claus, Dorothy and the Wizard of Oz, Snow White, etc.

- "Children involved sexually with 'influential' adults (member of government, police officer, doctor, teacher, counselor, military personnel, member of the clergy, etc.)

- "Use of child paraphernalia, including teddy bears, hair bows, bobby sox and dolls, in cartoons, as well as pictures depicting adult women as 'pseudo children.' "

The original study was approved by the department's Office of Juvenile Justice and Delinquency Prevention and authorized to continue for 22 months, but it ran into a storm of criticism after a project analysis said it could be completed for \$60,000. A representative of the office said the project was revised not because of congressional criticism but because "so much time was spent responding to Congress that we felt the scope needed to be reduced to give her [Reisman] time to come up with a finished product."

"By analyzing the extent and nature of mainstream erotic/pornographic content, with special focus on child imagery, this research may be said to lay the foundation for future studies on the possible influence, or lack of influence, of erotica/pornography, with particular emphasis on issues of child exploitation: molestation, prostitution, incest, kidnapping, general juvenile delinquency and child pornography," the project description said.

A Senate subcommittee almost immediately blasted the funding of the study. "I have read these magazines myself," said Sen. Arlen Specter (Rep.-Pennsylvania), chair of the Judiciary Subcommittee on Juvenile Justice. "We've had them at these hearings. I have never seen a picture of a crime being committed on a child. Once you have a detailed analysis what good does that do you? It gives you a body of information . . . that stops short of the only question involved: Does this material cause child molestation? It doesn't seem to me it warrants the expenditure of three-quarters of a million dollars."

Sen. Howard M. Metzenbaum (Dem.-Ohio) called the grant "off the wall" and a "waste of government funding," especially when the federal government is spending only \$1 million to study teenage suicide. "I have some difficulty understanding how adults could get turned on by seeing a picture of a child with Santa Claus or Snow White or the Wizard of Oz," he said. Senate Judiciary Committee Chair Strom Thurmond (Rep.-S. Carolina) was not at the hearing but also expressed concern about the study. Reported in: *Washington Post*, May 3, 8.

### **Los Angeles, California**

A producer of sexually explicit films was convicted May 22 on five counts of pandering under a tough 1982 state law prohibiting hiring people for sex acts. The ver-

dict against Robert Harold Freeman was returned by a seven-woman, five-man jury. Freeman produced the film *Caught From Behind II*. By hiring actors to perform sex acts for movies, prosecutors said, Freeman violated a law against pandering.

Five actresses employed by Freeman testified at his trial, in exchange for immunity. Police said the law contains no exemptions for actors performing sex for the camera and said the actors would be guilty of prostitution because they are paid. But the women said they considered themselves actresses, not prostitutes.

"This is a landmark case," said defense attorney Stuart Goldfarb. "It's hard to even fathom the risk of a thirty-year sentence when people were there voluntarily. They came through a casting call and had done the work before." Reported in: *Minneapolis Star & Tribune*, May 23.

## advertising

### Washington, D.C.

The Federal Trade Commission (FTC) said April 16 that it would not ban or restrict advertising of alcoholic beverages because there is no clear evidence linking such ads with alcohol abuse. Without such evidence, "there is no basis for concluding that rules banning or otherwise limiting alcohol advertising would offer significant protection to the public," the FTC said in response to a petition asking for restrictions.

The FTC voted 4-1 to reject a petition filed in November, 1983, by the Center for Science in the Public Interest and 28 other organizations, but said that it "will continue its ongoing review of alcohol advertisement and marketing practices" on a case-by-case basis. FTC chair James C. Miller, III, said some ads "are close to the margin" of legality, citing beer ads aimed at college students. "We are putting beer manufacturers on notice that the commission is likely to look in an increasingly unfavorable light" at such ads, Miller said.

Any decision to ban or impose new restrictions on alcohol advertising "should be made by elected officials" rather than the FTC, Miller said. Reported in: *Washington Post*, April 17.

**BANNED BOOKS WEEK  
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(from the bench . . . from page 124)

through door-to-door solicitation, charged that the ordinances violate their First Amendment rights by restricting canvassing to daytime and Saturday hours, when fewer people are at home. In some cases, fees, fingerprinting, and health checks are required for canvassers. Reported in: *Newark Star-Ledger*, April 12; *Hackensack Record*, April 12.

### Albany, New York

A State Supreme Court Justice has ruled that the state of New York cannot compel utilities to insert opinions and information from consumer groups in billing envelopes. The justice, John G. Connor of Albany, said the State Public Service Commission's decision that utilities must open their billing envelopes to consumer groups was unconstitutional because it violated the First Amendment.

"An ominous threat presents itself to the First Amendment in allowing a governmental agency the right to license others in the use of another's property, especially where the use of such property pertains to ideology which may oppose the views of such owner," Justice Connor wrote. Paul L. Gioia, chair of the Public Service Commission (PSC), said the ruling would be appealed.

In the material that citizen groups would insert into bills, the justice noted, the PSC had said only "clearly misleading" information would be banned. "The rhetorical question is," the opinion asked, "who will determine what is clearly misleading? Herein lies the danger; not whether the commission in its good intention desires to give equal opportunity to the consumer in expressing its views, but allowing itself to enter the arena of public opinion."

In past legal fights about enclosures in utility bills, the thrust was in the opposite direction. The utilities wanted to make such enclosures and had to go to court to enforce their right to do so. The PSC ruled in a case involving Consolidated Edison Co. in 1983 that utilities could not pass along to consumers all the costs of "political messages" inserted in their bills. Three years earlier, the U.S. Supreme Court reversed a decision by the PSC that had banned inserts by utilities on "their position on controversial matters of public policy." Reported in: *New York Times*, March 22.

## cable TV

### Salt Lake City, Utah

A federal judge has struck down a never-enforced Utah law that restricted "indecent" programs on cable television to between midnight and 7 a.m. Senior U.S. District Judge Aldon J. Anderson said that the 1983 Utah Cable Television Programming Decency Act was "unconstitutionally overbroad and vague, and void on its face." He granted a summary judgment sought by Community Television of Utah and four other cable companies.

The law subjected cable operators to fines of up to \$1,000 for the first violation and \$10,000 for subsequent violations. It defined indecent as "visual or verbal depiction, display, representation, dissemination or verbal description" of sexual intercourse or other sexual activity, depiction of excretory function or the display of certain body parts.

The state announced that it planned to appeal the decision, even though in November Utah voters rejected a cable decency ballot initiative with similar provisions by a 61-39 margin. Reported in: *Minneapolis Star & Tribune*, April 12; *Variety*, April 24.

## student press

### St. Louis, Missouri

On May 9, U.S. District Court Judge John F. Nangle upheld the right of Hazelwood School District officials to ban material in a high school newspaper. Nangle held that the First Amendment rights of three former student writers and editors were not violated by school officials who stopped publication of stories in the *Spectrum*, a student newspaper at Hazelwood East High School.

The students filed suit in 1983 after school officials deleted articles on teenage marriage, teenage pregnancy, and the effects of divorce on the lives of children. In his opinion, Nangle held that the *Spectrum* "did involve the compulsory environment of the classroom." The newspaper, prepared by journalism students, was not created by the school "as an open or public forum of free expression by its students," the judge ruled. Since the paper was a project of the school's journalism students, Nangle held that school officials "merely exercised their discretion, in a proper manner, with respect to a product of the Hazelwood East curriculum." Reported in: *St. Louis Globe-Democrat*, May 10.

## art

### Chicago Heights, Illinois

A federal appeals court April 12 upheld the right of Prairie State College to move three stained-glass portraits of nude women in explicit sexual poses to a less conspicuous exhibit hall. The U.S. Court of Appeals for the Seventh Circuit ruled that the First Amendment rights of Albert R. Piarowski, chair of the art department at the college, were not violated when officials removed the works from a first-floor gallery in March, 1980.

Judge Richard Posner noted that the college suggested Piarowski exhibit his works, including one based on a drawing by Aubrey Beardsley entitled "Adoration of the Penis," in a less conspicuous classroom. "If Claes Oldenburg, who created a monumental sculpture in the shape of a baseball bat for display in a public plaza in Chicago, had created instead a giant phallus, the city would not have had to display it next to a heavily trafficked thoroughfare," said Posner. "No museum or gallery, public or private, picks the most prominent place in the museum to display those works in its collection that are most likely to offend its patrons," he said. Reported in: *Chicago Sun-Times*, April 13.

## etc.

### Tucson, Arizona

A federal judge has ruled that Tucson city parks officials violated a gymnastics supervisor's right to free speech when they suspended her for a day in 1983 because of statements quoted in *The Arizona Daily Star*, Ronni Kotwica, a recreational supervisor in the Tucson Parks and Recreation Department, was interviewed by the *Star* in 1983. Her statements were quoted in the paper's August 21 issue. The next day, Kotwica was suspended for one day without pay.

U.S. District Judge Alfredo C. Marquez based his April 29 ruling in a 1968 Supreme Court precedent requiring of interests when disciplinary action is alleged to be in retaliation for an employee's comments. In this case, Kotwica's interest in commenting on a matter of public concern outweighed the city's interest in promoting efficiency of its parks and recreation system, the judge ruled. Reported in: *Arizona Daily Star*, May 1.

control distribution of this material and the need to protect First Amendment freedoms. The members of this Commission are concerned about the quality of the life of our democracy. But this is not to say that they come to their task with minds made up. Their job is to approach the issues objectively, to collect and examine all necessary information, to be open to evidence, and to follow each argument where it might lead."

The Commission's objectives, a Justice Department statement said, are "to determine the nature, extent and impact on society of pornography and make recommendations to [the attorney general's] office on ways—consistent with constitutional guarantees—to contain the spread of pornography.

"The commission will:

- Study the dimensions of pornography, particularly visual and graphic pornography.
- Investigate the production and distribution of pornographic materials.
- Review empirical and scientific evidence on the relationship between exposure to pornographic materials and antisocial behavior.
- Examine national, state and local efforts to curb pornography.
- Recommend possible initiatives the Department of Justice and other local, state and federal agencies could pursue in controlling the production and distribution of pornography."

Other members of the panel and their backgrounds are:

Judith Veronica Becker—Associate Professor of Clinical Psychology in Psychiatry, Columbia University College of Physicians and Surgeons; director, Sexual Behavior Clinic, New York State Psychiatric Institute, which conducts research in sexual aggression, rape victimization and sexual dysfunctions.

Diane D. Cusack—Vice-Mayor, Scottsdale, Arizona; president, Maricopa County Board of Health; member, Finance, Administration and Intergovernmental Relations Committee, National League of Cities; past president, Scottsdale League of Women Voters.

Park Elliot Dietz—Associate Professor of Law, Associate Professor of Behavioral Medicine and Psychiatry, University of Virginia; medical director, Institute of Law, Psychiatry and Public Policy, University of Virginia.

James C. Dobson—Founder and president of Focus on the Family, a program syndicated to more than 600 radio stations; Associate Clinical Professor of Pediatrics at the USC School of Medicine; staff

member, Children's Hospital of Los Angeles, Child Development and Medical Genetics Division.

Edward J. Garcia—Judge, U.S. District Court, Eastern District of California; former judge, Sacramento Municipal Court; former chief deputy district attorney, Sacramento County District Attorney's Office.

Ellen Levine—Vice President, CBS, Magazine Division, and editor-in-chief, *Woman's Day*; formerly an editor at *Cosmopolitan*.

Tex Lezar—Member of the law firm of Carrington, Coleman, Sloman & Blumenthal, Dallas, Texas; former assistant attorney general in charge of Office of Legal Policy, Department of Justice; counselor to former Attorney General William French Smith.

Rev. Bruce Ritter—founder and president of Covenant House, an international child care agency that operates crisis centers in New York, Houston and Toronto; former professor of theology, Manhattan College.

Frederick Schauer—Professor of Law, University of Michigan Law School.

Deanne Tilton—president, California Consortium of Child Abuse Councils; board member, National Committee for the Prevention of Child Abuse.

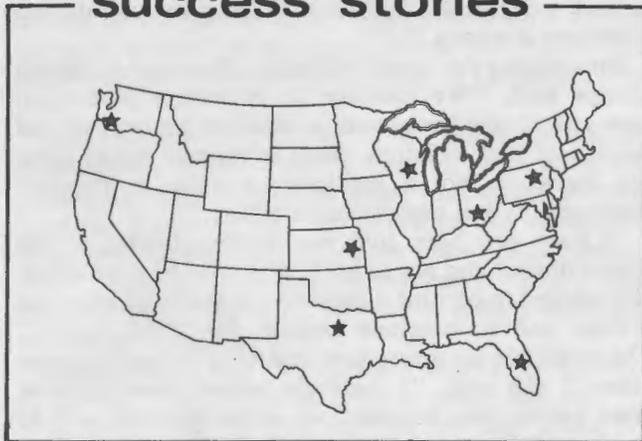
The executive director of the commission is Allan Sears.

The commission will hold its first public hearing in Washington, June 19-20. Other hearings are tentatively scheduled for Chicago, July 24-25; Houston, September 11-12; Los Angeles, October 16-17; Miami, November 20-21; and New York, January 7-8. The commission's budget has been set at \$400-500,000. Its report is due in June, 1986.

According to Meese, "any person or group may submit written comments to the commission." Comments should be addressed to: The Attorney General's Commission on Pornography, Room 1018, 320 First St. NW, Washington, D. C., 20530. Reported in: *Washington Post*, May 21; *New York Times*, May 21.

**SUPPORT  
THE  
FREEDOM  
TO  
READ**

## success stories



### libraries

#### Lakeland, Florida

A five-member review committee voted to retain six books in Sikes Elementary School's media center March 29 after a two-hour discussion of religion and literary values. Parents Richard and Mary Pierce had asked to have the books removed, in some cases burned or destroyed. They said they felt their contents would lead children to believe ideas contrary to the teachings of the Bible.

All committee members voted to retain *The Haunting of America*, *Psychic Stories Strange But True*, *Halloween* and *The Tall Man from Boston*. The vote was 4-1 in favor of *Possible Impossibilities* and *Meet the Vampire*.

The Pierces objected several times to sections they felt presented anti-Christian values or activities. Mrs. Pierce said *The Haunting of America*, a collection of historical ghost stories, "would lead children to believe in demons without realizing it."

"We have done what we felt God called us to do," Pierce said after the votes were recorded. "We didn't lose today. God did," contended Mrs. Pierce. "A real grave error has been made here today."

Committee members said schools are obligated to show more than one religious viewpoint. The parents' role is to let children know their own values and beliefs, commenting on ones they find objectionable, they told the Pierces. Reported in: *Lakeland Ledger*, March 27, 30.

#### Polk City, Florida

Madeleine L'Engle's Newberry Award-winning story *A Wrinkle in Time* and the filmstrip adapted from it will remain on the media center shelves of Polk City Elementary School. A student's parents had complained about the filmstrip, contending the story promoted witchcraft, crystal balls, and demons. Rocky and Linda Scott asked school officials to remove it (see *Newsletter*, May 1985, p. 77).

But Principal John Mesknes notified the couple in late March that he planned to leave the book and filmstrip in use. He said they were appropriate for elementary pupils. Mrs. Scott said she and her husband would not fight the decision, although they disagreed. "I don't feel we were defeated," she said, "because we got a lot of parental support." Reported in: *Lakeland Ledger*, March 21.

#### Vancouver, Washington

The novel *Don't Tell Me Your Name*, by Hollis Hodges, banned once before from the Covington Junior High School Library, will remain on library shelves despite a renewed effort at removal, a review committee decided May 1. The Evergreen School District Instructional Materials Committee voted unanimously to keep the book at Covington, despite a parent's contention that it is sexually explicit and inappropriate for junior high readers.

Marie Kanooth, the parent of a Covington student, said the book's mature theme—it tells the story of a woman who wants to have a child without getting married or even knowing the identity of the father—and "sexually explicit" contents made it more suitable for a high school library. "No where am I saying it is a bad book or that adults shouldn't read it," Kanooth said. "I'm not trying to make a moral issue out of it."

Members of the committee agreed that the theme was a mature one, but rejected the charge of sexual explicitness and ruled the book appropriate for the junior high level. Joanne Mychals, administrative assistant for curriculum, said she found the book's approach "pretty tasteful, for the most part." In a sentiment echoed by several committee members, Hearthwood Elementary School librarian Jane Dow said school libraries must cater to the needs of a wide range of interests and maturity levels. "We need to protect the rights of all these students' access to ideas," Dow said.

Prior to 1983, *Don't Tell Me Your Name* had been on a restricted shelf in the Covington library. In that year, the book, along with about forty others from throughout the district, was moved to the senior high level at the request of a district committee. But the ACLU contended the books were moved during a closed session and filed suit against the Evergreen district. The suit remains unresolved.

Subsequently, the district revised its instructional materials policy to provide for public hearings on disputed materials. Evergreen officials sent the disputed books back to various district libraries. According to Covington printipal William Hugh Shuford, *Don't Tell Me Your Name* went back last October.

The book was the third this year to be reviewed by the committee. *The Stupids Step Out* and *The Quartzsite Trip* were kept in district libraries after public hearings (see *Newsletter*, May 1985, p. 91). In addition, on April 8, the Evergreen School Board voted 3-2 against adopting the book *Person to Person* for a family relations class despite the recommendation of two district committees, including the instructional materials panel, and Evergreen Superintendent Kenneth C. Schmauder (see page 115). Reported in: *Vancouver Columbian*, April 11, 30, May 2; *Portland Oregonian*, April 11, May 2.

### **Beloit, Wisconsin**

A Beloit woman's request to have four books she considers objectionable removed from the library at Cunningham Elementary School was denied by the Beloit Board of Education April 25. The board deliberated about a half-hour in closed session before returning with a unanimous decision.

Debbie Wheler, parent of threechildren at Cunningham, presented her objections to *A Light in the Attic*, by Shel Silverstein; *In the Night Kitchen*, by Maurice Sendak; *Trig*, by Robert Newton Peck; and *The Stupids Die*, by Harry Allard. "It's our responsibility as parents to protect our children. We have all sorts of laws to protect our children, but why aren't books restricted?" she asked.

Mrs. Wehler was supported by four other women who testified before the board and five others in the audience, including her husband, Steve. She objected to several of the drawings and poems in the Silverstein book, including one which she said encourages children to break dishes so they won't have to dry them.

"This man is definitely trying to undermine our children," she said. "If they are encouraged to destroy our property, they're not going to mind destroying someone else's."

According to Mrs. Wehler, the drawing in *In the Night Kitchen* of a boy who is naked in his dream is "desensitizing children to nudity." Mrs. Wehler added that the books *Trig* and *The Stupids Die* encouraged disrespectful language.

After several librarians, teachers and parents testified in favor of the books, Wehler challenged the right of educated professionals to determine reading material for students. "What right does a degree give anyone to make unchangeable rules?" she asked. "You don't have

to have a degree to know that teaching low morals and disrespect is wrong."

Announcing the board's decision, President A. Henry Hempe said, "We continue to encourage parents to view and review books and to monitor the recreational reading of their children. [But] to remove books from the shelves is not a legitimate exercise in parental responsibility but censorship of others."

"I have just been told my children belong to the school district and not to me," Mrs. Wehler concluded. She pledged to become more active in the book selection process and to continue looking for "bad books." "More people are aware now and we'll be hearing from others," she said. "I think the school board will be more aware, too, because they know someone will be watching!" Reported in: *Beloit Daily News*, April 26.

### **schools**

#### **Kansas City, Kansas**

By a 4-0 vote, the Park Hill School Board voted February 28 to reject a request to ban the 1961 Pulitzer Prize-winning novel *To Kill a Mockingbird*, by Harper Lee, from classroom use. The Rev. Robert Thompson and Mary Thompson, parents of a student at Park Hill North Junior High School, had objected to use of the book because it contains profanity and racial slurs (see *Newsletter*, May 1985, p. 80).

"If you have any Christian moral convictions at all," Mary Thompson told the board, the book would be limited to "preferably older students, and if you want to know the truth, adults." Although the Thompsons, who are black, recognized that the novel's purpose was to expose the evils of racial prejudice, they objected to the use of racial slurs by characters in the book. "With all due respect," Mrs. Thompson told the board, "if you were to go to a meeting . . . if you are the only white in that situation . . . with racial slurs [spoken], I don't think you could be comfortable there."

Mrs. Thompson denied being a book banner. "I understand that the Bible cannot be taught—that's banning," she said. "If we are rearing a generation of non-prejudiced children, give them information that's non-fictional, based on truth, and there is no better than the holy Scriptures." Reported in: *Kansas City Press-Democrat*, March 6.

#### **Cincinnati, Ohio**

Third grade students at Ebon C. Hill Elementary School won the right May 3 to rehearse and present a children's fantasy play, *Sorcerer and Friends*, by Val Cheatham, a Kansas elementary school teacher, when

U.S. District Court Judge S. Arthur Spiegel ruled that efforts by the Bethel-Tate Board of Education to stop the play violated the students' free speech rights. The following day the board decided not to appeal the decision.

Teachers selected the play for the annual third grade presentation to the final PTA meeting of the term. The comedy involves cowardly knights who want a sorcerer to make it rain so that the armor of the threatening Huns will rust and the knights can win without fighting. After weeks of rehearsals, some parents heard their children singing the songs by the cowardly knights and witch, and complained.

Some parents, like Gene Broxterman of the Veterans of Foreign Wars, objected to lyrics which said that "to be a hero is not to fight and die for your country." Broxterman criticized the play's "failure to support the American way of patriotism." Others claimed that the emphasis on sorcery was anti-Catholic and generally irreligious.

When the complaints were voiced, all rehearsals were rescheduled after school, scripts were sent home and the parents polled. Ninety of 115 responded favorably to the play. Still, after heated debate, the school board voted 3-2 April 18 to ban the comedy.

Angered by the censorship, two students, their parents and three teachers filed suit to protect the production. On April 25, Judge Spiegel granted a ten-day temporary restraining order, which he made permanent May 3 after attempts to compromise out of court failed.

In his decision, Spiegel weighed the conflicting claims of the board to control extracurricular activity and the students' First Amendment rights: "The board has made the point of its concern that the children may be misled into glorifying the anti-hero concept that may be the thrust of the play. But we leave it to the parents to explain the meaning of this play to their children so that they will not be harmed, if the parents share the board's concern, and we leave it to the community whether it chooses to patronize the production of the play."

"We firmly believe," Spiegel added, "that the board has much greater power to determine the content of the core curriculum and the methods of teaching than it does in regard to extracurricular activity. Now, a line must be drawn in this case, which obviously is not easy. But we draw the line at the point at which the activity involved is not compulsory. Therefore, because the staging of the play by the teachers and the children is strictly voluntary, they have the right to determine the choice of the play, so long as it does not violate any criminal statutes of the state."

School superintendent William Bick expressed concern about the decision. "What he is in essence saying is the board has no control over extracurricular activities,

and that has never been the thinking of boards of education." Reported in: *Cincinnati Enquirer*, April 24, 30, May 1, 3, 4; *Cincinnati Post*, April 30, May 3.

#### Norwin, Pennsylvania

The Norwin School Board decided March 18 to retain a textbook used in the district's tenth grade health classes despite accusations that it is amoral, anti-family and has a Marxist bent. The book, *Adolescents Today*, was reviewed by the district's Secondary Advisory Committee after one parent complained about it. Director Joseph Gulaskey said it was the recommendation of the committee that the book remain in use.

"The book was found to follow the norm of not presuming to moralize," Gulaskey said. "It was concluded unanimously that the book without qualification would continue to be taught to the Norwin Senior High School tenth grade class."

The issue was raised in February by David Smit. He told the Board that when his daughter brought the book home from her health class and he examined it, he found much of the subject matter offensive. "The book has a very low view of parental authority and family structure. I found negative teaching toward parents," he said. "It doesn't show the family structure in a positive light."

Gulaskey told the board and the more than fifty residents present at the meeting that two members of the clergy were part of the committee which approved the book. Only one board member, Charles Beatty, spoke negatively of the text, warning that its continued use might cause future problems. Reported in: *McKeesport News*, March 19.

#### Fort Worth, Texas

Eight days after school trustees refused to accept a textbook committee's recommendation of *Biology*, by Karen Arms and Pamela S. Camp, for use in an elective college-level biology class, the board voted 5-0 to reverse that rejection amid controversy over whether proper procedures were being followed. Opponents of the textbook vowed to "raise hell" over the reversal and to reinstate a second textbook which the textbook committee found acceptable, but not as strong.

The original rejection came March 26 after a citizens group denounced the Arms and Camp book's alleged bias in favor of Charles Darwin's theory of evolution and natural selection and its graphic presentation of human reproduction. The book includes a frontal view of the female anatomy and photographs of an actual childbirth.

Dewey Mays, the district's director of instruction, said it was the first time the trustees had "failed to approve a recommendation to my recollection." The book

was also attacked at the state level when it was under consideration and several passages were changed by the publisher to meet local criticisms.

The second book, *Biology*, by John W. Kimball, was supported by the Citizens for Excellence in Education. It also presents evolutionary science, but is less descriptive of Darwin's work and less detailed in analyzing opposing theories. "The other book is adequate, but it does not have the accompanying lab manual," said Mary Lacy, a high school biology teacher who headed the committee which recommended *Arms and Camp*. In a controversy earlier in the month in Garland, Texas, the Kimball book was selected for use after protests arose against the *Arms and Camp* volume (see page 114). Reported in: *Fort Worth Star-Telegram*, March 29.

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(censorship dateline . . . from page 120)

A total of 137 films were scheduled to be shown at the festival, which opened May 31. But not *Mishima*, director Paul Schrader's newly released Japanese-language film biography which drew attention at Cannes and may become one of the most widely viewed films about Japan.

Festival officials gave a variety of sometimes conflicting reasons for their rejection of the film. By some accounts organizers feared violence and disruption from right-wingers who revere *Mishima*. "Whether to show the movie in these troubled circumstances was a matter of consideration for us," said festival secretary general Masakazu Mizuno. "There are many Japanese who respect the memory of *Mishima*. So the most important thing is to solve this problem first."

Schrader called the festival decision a buckling under to politics. "For their very first film festival, the Japanese organizers are embarking on a form of political censorship that cannot be condoned and must be uniformly condemned by the international film festival community," the director said. The producers recruited more than ninety foreign film directors and writers to sign a letter of protest, including Woody Allen, George Lucas, Louis Malle, Susan Sontag and Norman Mailer.

It remained unclear whether the film would be released to Japanese commercial theaters. Mata Yamamoto, the Japanese coproducer, said he could get it into ten to twenty theaters, but would hold out for large-scale distribution. Reported in: *Washington Post*, May 25.

### Managua, Nicaragua

After three years of media censorship, the Nicaraguan government has begun talks with executives of the largest opposition newspaper about the possibility of ending limits on press freedom. Vice President Sergio Ramirez met March 7 with two executives of *La Prensa*. According to one of the executives the Sandinista leader asked how their newspaper would respond if censorship were lifted.

Some government officials have told journalists that they favor ending press control, which they say turned *La Prensa* into a cause celebre and damaged the Sandinista image internationally. Others, however, have insisted that it is an instrument of the CIA and is allied to the "contra" rebels trying to overthrow the government.

According to *La Prensa* publisher Jaime Chamorro, Ramirez "said the Sandinistas realize *La Prensa* is an institution in Nicaragua and will survive. He said we must realize that the Sandinista Front is an institution that will also survive and that we must learn to live together." Chamorro said the vice president asked the newspaper to draw up a position paper, in effect a list of issues *La Prensa* would insist on covering if censorship were lifted. "We will never agree to self-censorship," Chamorro said. "True freedom of the press comes without conditions."

Censorship of all Nicaraguan media began March 15, 1982, as part of a state of emergency declared after U.S.-backed rebels blew up bridges near the Honduran border. Chamorro said censorship diminished during the three-month electoral campaign last summer and fall, but on November 8, four days after the election, new, stricter rules were imposed.

According to the guidelines of November 8, Chamorro said, the media were not allowed to raise doubts about the validity of the elections, could not report on strikes or other labor disputes, were prohibited from publishing any account of a military operation that did not come directly from the government and could not report any criticism of the government or the Sandinista Front from outside Nicaragua.

According to Chamorro, almost half of the material on the newspaper's three main news pages were censored during December, January and February. He said censorship was lighter in March. Reported in: *Washington Post*, March 25.

### Johannesburg, South Africa

The government-run South African Broadcasting Corporation announced March 26 that it would no longer play music by Stevie Wonder because of a remark the singer-songwriter made when he won an Oscar. Wonder said that he accepted the award "in the

name of Nelson Mandela," the best known black prisoner of South Africa's apartheid regime. Mandela, a Johannesburg lawyer and civil rights leader, has been imprisoned since 1964. Wonder won his Oscar for Best Movie Song. Reported in: *Baltimore Sun*, March 27.

**Seoul, South Korea**

Police raided 28 printing shops and bookstores in Seoul May 9. confiscating books and pamphlets described as seditious and supportive of leftist ideologies, officials of the Culture and Information Ministry said. The government said a drive against such materials would continue through May 21 throughout the country. Reported in: *Los Angeles Times*, May 11.

**Istanbul, Turkey**

Playwrights Arthur Miller and Harold Pinter were censored from the pages of the Turkish press March 23 after an Istanbul press conference in which they were strongly critical of Turkey's human rights record. The two vice-presidents of the International PEN Club, a world-wide organization that promotes the rights of artists and writers, came to Turkey on a fact-finding mission. During their five-day stay they spoke with more than a hundred Turkish intellectuals, with former prison inmates, politicians and diplomats.

At the press conference wrapping up their visit, Miller said, "It is almost impossible to discuss certain questions in the press here," as if to foreshadow the ban on the conference handed down by the local martial law government several hours later. Pinter said that both writers were convinced that there is systematic torture in Turkey. "Our conclusion is that torture, despite the protestations and denials, is in fact widespread and systematic in military prisons and police stations in Turkey," he said.

Miller further explained that, "At a certain time in history the court permitted what was called 'spectral evidence,' which meant that it was not necessary . . . to prove that an accused person had committed an action. It was only necessary to prove that he had thought of it." Miller charged that in Turkey "today people are brought into prisons on the basis of what they are alleged to be thinking." Reported in: *Washington Post*, March 24.

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## group charges conservatives attack North Carolina public schools

Public education in North Carolina "is under fairly sustained and aggressive attack" by conservatives and the effect on many teachers has been "chilling," the executive director of North Carolina People for the American Way charged at a Raleigh news conference April 17.

Barry M. Hager said Phyllis Schlafly and television evangelists Jerry Falwell, Jimmy Swaggart and Pat Robertson have alleged that "public school teachers, almost to a person, are secular humanists who are dangerous to our children. This allegation is purely simple nonsense. At the local level, a lot of individual teachers are being chilled," Hager continued. "They're afraid to talk about evolution or drug and alcohol abuse. They're afraid to teach the good books."

Hager based his comments on a study, "The Attack on Public Education: North Carolina's Experience," prepared by People for the American Way. The report charged, among other things, that the Baptist State Convention of North Carolina, during its 1984 meeting in Asheville, passed several resolutions supporting the foes of public education. Hager said many public school opponents are trying to recruit students into their own "so-called Christian schools," which are multiplying at a rate of one every seven hours. "Some folks who oppose public schools have a personal or ulterior motive," he charged. Reported in: *Raleigh News & Observer*, April 19.

## booksellers concerned about censorship

Book censorship was a hot topic at the annual convention of the American Booksellers Association (ABA) in San Francisco May 24-28. At a panel discussion of censorship problems, Max Lillienstein, ABA counsel, asserted that the policies of the Reagan administration had given impetus to censorship from forces of the new right. "The re-election of Ronald Reagan gave such groups the feeling that their thinking had been endorsed. The efforts we are now seeing to censor books are no more than a sign of the political times," he concluded.

Gail See, ABA president, termed the mounting number of attempts to ban or remove books on the grounds that they were offensive to certain persons "a clear and present danger to free expression. I don't like pornography, but I am more concerned with lasting damage to free speech."

In a major address to the booksellers, Geraldine Ferraro, Democratic vice presidential nominee in 1984, said, "I am very concerned that books are being attack-

ed because they contain ideas somebody thinks are dangerous. We can't live in a world that restricts the free flow of ideas. People like this want to send ideas to jail."

"There are so many warring voices on this subject that it is up to booksellers and publishers to take a solid stand to protect their freedom in this vital area," Ms. See concluded. Reported in: *Baltimore Sun*, May 28.

## capital wives want rock record ratings

A bipartisan group of influential Washington wives has asked the music industry to launch a rating system warning consumers of records containing violent or sexually explicit rock lyrics. The group, the Parents Music Resource Center (PMRC), lists as its co-vice chairs Susan Baker, wife of Treasury Secretary James Baker, and Tipper Gore, wife of Sen. Albert Gore (Dem.-Tennessee).

Racy rock lyrics have been criticized since before Elvis Presley gyrated onto the scene in the 1950s. But PMRC chair Pam Howar, wife of the owner of a large Washington construction firm, claims the level of gratuitous sex and violence has reached an alltime high. "It's a whole new ballgame now.," she said. "This is not just plain old love and sex."

Howar claims young girls who listen to rock singer Madonna "are learning at a very young age how to be a porn queen in heat." PMRC treasurer Sally Nevius added, "Now, it's no holds barred. Anything goes."

"Some rock groups advocate satanic rituals, others sing of open rebellion against parental and other authority, others sing of killing babies," decried PMRC in a letter to D.C.-area parents and educators. Nevius said about four hundred people turned out for a PMRC meeting May 13 to discuss how to fight "porno rock." A slide show was presented at the session by Jeff Ling, a rock musician turned youth minister who documents controversial rock lyrics.

Nevius said the proposed rating system should be similar to that instituted by the Motion Picture Association of America in the 1960s. "We're concerned about 11, 12 and 13-year old kids in such a vulnerable state. Young kids can go in and buy this music and it's confusing to them at such an early age," Nevius said.

Howar said PMRC will ask chief executive officers of large firms which have recording company subsidiaries to pressure the industry for changes. Music industry executives "really haven't had any pressure put on them," according to Nevius. "I don't think the people at the top know just how explicit the music is."

PMRC's activities are apparently symptomatic of a broader trend. *Newsweek* magazine recently carried a guest editorial entitled "Stop Pornographic Rock." In mid-May, David Gergen, former White House communications director and now a contributing columnist to *U.S. News and World Report*, called for voluntary self-restraint by the music industry.

"The difference between the music of yesteryear and that of today," Gergen wrote, "is the leap one makes from swimsuits in *Sports Illustrated* to the centerfolds in *Hustler*. Presumably, if an album were X-rated, most radio stations and video programs would drop the worst offenders."

Last year, the national Parent Teachers Association called on 32 record companies to label recordings for sexual content or use of profanity (see *Newsletter*, May 1985, p. 73). The letters were ignored, according to PTA staff member Tari Marshall. The group sent followup letters on the same subject this spring requesting a meeting in New York on May 30. Marshall said the PTA did not receive a response. Reported in *Variety*, May 22.

### **censorship 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.

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