

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



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*The following is the text of the Intellectual Freedom Committee's report to the ALA Council, delivered January 21, 1987, by Chairperson Judith Drescher.*

In 1986, attacks on access to information were more intensive than at any time since Ronald Reagan was elected President of the United States. His administration, in fact, set the environment not only in which these attacks occurred, but in which these attacks could—and were urged—to occur.

1986 saw several new attempts to limit access to information. In April, the Department of Commerce announced a "Study of Alternatives for Privatizing the National Technical Information Services." The mission of NTIS is to centralize the collection, announcement, and dissemination of U.S. government-sponsored research and development reports and translations of foreign technical literature. Many librarians across the country expressed their concern that if such activities were undertaken by private concerns, ready access to technical information could very possibly be severely limited.

As the year was drawing to a close, the executive branch undertook a two-pronged effort against commercial on-line data bases. In November, using the mantle of national security, then-National Security Advisor John Poindexter signed an order creating a new security designation for government information called "sensitive." The order instructs federal departments to review the "human, financial, industrial, agricultural, technological and law enforcement information" they generate to determine its sensitivity to national security. Data termed sensitive cannot be released publicly, although such "sensitive" information is not, technically, classified information.

The Intellectual Freedom Committee, pursuant to the directives of the Executive Board's Directions and Program Review Committee, specifically, that "IFC serve as a liaison between ALA and the Freedom to Read Foundation and that the IFC identify issues which may be of interest to the ALA, . . ." has voted to request that the Freedom to Read Foundation actively seek opportunities for appropriate legal challenges to the Poindexter memorandum of 29 October 1986 on "Policy for Protection of Sensitive but Unclassified Information."

In the second government effort to withhold information, the Department of Defense appears to be seeking to limit access to unclassified material in private data banks.

In December, information industry executives of private data banks, such as Mead Data Central, said they had been informed that rules governing the protection of commercial data would be forthcoming. It is believed that the likely recommendation will require foreign

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

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## — Cincinnati—city without porn . . . and freedom?

At the first Cincinnati showing in the early 1970s of the X-rated movie *Deep Throat*, the audience included a judge and a police officer. There was no second showing. The film was confiscated, and even though criminal charges against the manager didn't stick, a local prosecutor still managed to have the theater shut by using civil sanctions.

The fate of that adult theater is just one example of why Cincinnati has become a model for anti-pornography groups. A fifteen year crusade has all but eliminated X-rated films and adult bookstores. *Hustler* has not been sold openly anywhere in the city in years and the Playboy Channel is not available to cable television subscribers.

"Cincinnati is always going to be, I hope, the beacon," said Bruce A. Taylor, general counsel to Citizens for Decency Through Law. "It was the first major city" to wage a successful campaign against pornography. "It has been clean the longest."

"It's a nightmare," countered Barry Lynn of the American Civil Liberties Union, "because the government can determine what people see and read."

Leading the campaign against adult movies and books has been the Cincinnati-based National Coalition Against Pornography, or NCAP. The Rev. Jerry R. Kirk, a Presbyterian minister who is the group's president, said NCAP receives financial support from several thousand individual contributors and a handful of corporations. Among the largest corporate contributors is Cincinnati-based American Financial Corporation.

NCAP has recently entered into alliance with a broad spectrum of religious leaders, including John Cardinal O'Connor of New York and Joseph Cardinal Bernardin of Chicago. This group, called the Religious Alliance Against Pornography, met with President Reagan in late November to press for follow-up action to the recommendations of the Meese Commission on pornography. "We put an end to the myth that only extreme right-wing fundamentalists are against pornography," said Rev. Kirk, who chairs the alliance.

In Cincinnati, NCAP has long had a powerful ally in the Hamilton County prosecutor's office, which includes the city. Simon L. Leis Jr., who was prosecutor for twelve years until he became a state judge in 1983, estimated that he brought obscenity charges 15 to 30 times. Indeed, court actions in Cincinnati are a case study in the aggressive enforcement of the kinds of laws that are already on the books in many other communities.

Leis, who closed six movie houses, eleven bookstores and at least seven massage parlors in the late 1970s, sometimes achieved his ends by using a state nuisance statute. If a judge ruled that the law had been violated, a theater or bookstore could be closed, even if an appeal of the ruling had yet to be heard.

"It was a powerful weapon for economic reasons rather than a true adjudication of obscenity," protested Allen Brown, a lawyer who represented defendants in some of the cases. Brown charged that one of Leis' tactics was to bring a theater owner before a grand jury to inform him that a certain film might be deemed obscene. If the theater dropped the film, the grand jury dropped its investigation. Brown said the tactic had an "intimidating effect." Once a producer sued Leis to forestall him from applying such pressure to a theater showing *Last Tango in Paris*.

NCAP takes pains to say it urges prosecution only of material outside First Amendment protections: child pornography and material deemed legally obscene. But in 1983, Warner Amex Cable Communications introduced the Playboy Channel to Cincinnati and groups led by Rev. Kirk's church started a petition campaign against it. The company canceled the channel just 17 days after it started, but prosecutor Arthur M. Ney Jr. took two movies shown on Playboy to a grand jury and got an indictment against Warner on obscenity charges. He then dropped the charges when Warner agreed to abide by its contract with the city, although the company insisted it had not violated the contract in the first place. Needless to say, the Playboy Channel has not returned to Cincinnati. Reported in: *Wall Street Journal*, December 1.

## fundamentalists get \$50,521 in Church Hill

U.S. District Court Judge Thomas G. Hull on December 15 awarded \$50,521.59 as reimbursement for expenses to a group of fundamentalist Christian parents who challenged a public school reading program as offensive to their religious beliefs. Hull, who ruled in the parents' favor in October (see *Newsletter*, January 1987, p. 1), ordered the Hawkins County school board to pay seven Church Hill, Tennessee, families for their "out-of-pocket expenses" involved in sending their children to other schools. The money will repay parents for tuition and transportation in providing alternative schooling and for parents' transportation and wages lost when they appeared in court. The judge had earlier denied a motion by the school board to stay the damages portion of the action pending appeal.

Judge Hull said at the hearing that he wanted the parents to testify about any pain they might have endured and he reserved the option to order damages for pain as well as expenses. But he did not award any such damages in his ruling. The parents did not seek money for "damage to reputation" or for "pain and suffering," although according to their attorney, Michael Farris, they endured both.

Farris told Hull that the families had been "villified" and their children "branded for life" in Hawkins County for standing up for their beliefs, and that they "paid a price too precious to put a price tag on."



Attorney Nat Coleman, lead counsel for the school board, argued that the families had not taken the least expensive alternative when they enrolled their children in private and/or Christian schools. None of the parents, he noted, tried to enroll their children in the Rogersville City Schools, which do not charge tuition to county residents and do not use the objectionable books. Coleman said he was confident the damages ruling would be overturned, because forcing a public school system to pay tuition for a parochial school violates the Establishment Clause of the First Amendment.

None of the fundamentalists said they planned to re-enroll their children in the Hawkins County schools because of what they perceived as "animosity" toward their children by students, teachers, and administrators.

Nevertheless, school officials in Church Hill remained fearful about the possible implications of Hull's rulings. One reason was that the issues adjudicated in court were only a small part of a much broader conflict which earlier raged between the fundamentalists and the school board.

According to school board minutes, a group called Citizens Organized for Better Schools, that included key plaintiffs Robert Mozert and Vicki Frost, appeared before the board in 1983, before the suit was filed. They requested that the board: (1) cease teaching evolution and that books which mention it be removed; (2) mandate a moment of silence during the school day; (3) require students to recite the Pledge of Allegiance daily; (4) require school buses on field trips not to stop at stores or restaurants that sell alcoholic beverages; (5) establish a written dress code that would ban "clothing with profanity, suggestive messages, the advocacy of drugs, alcohol and tobacco and the promotion of left-wing punk rock groups who advocate rebellion, riots, revolution and satanic religion" and prohibit "the wearing of strapless tops, cutoffs, see-through T-shirts and excessively distracting jewelry."

At another school board meeting in late 1983, the group raised objections to sex education books and to library books they said were "pornography." In letters presented to the school board at that time, Vicki Frost alleged that "sexual activity [is] practiced in the classrooms, including manual sex, sexual seduction and exposure." Although the sex education classes conducted by the state public health department were voluntary, the superintendent put a halt to them and they have not been resumed.

The school board minutes thus reveal that the original complaints went much further than the suit asking for a different reading text. In November, Hawkins County Schools Superintendent Robert Cooper told a packed meeting at the Tennessee School Boards Association convention that originally the parents asked for the removal of the reading texts from the schools. He said that even when an alternative text was temporarily used in 1983, Vicki Frost sent the board a letter saying "she should like us to try something else."

"There is a huge swing from their original objections,"

said school board chair Harold Silvers. "The very clever lawyers with Concerned Women for America realized their original objections would never fly. So they filed a very narrow complaint." Reported in: *Bristol Herald-Courier*, December 16; *Greenville Sun*, November 13; *Johnson City Press-Chronicle*, November 11, December 16; *Kingsport Times*, December 16; *Knoxville Journal*, December 19; *Knoxville News-Sentinel*, November 10, December 13; *New York Times*, December 16.

## labeling results don't satisfy PMRC

The Parents' Music Resource Center (PMRC), a group of influential "Washington Wives" that has campaigned to label rock music records it considers sexually explicit, violent, or drug-related, said December 10 that its efforts have had "varied" results. In November, 1985, PMRC and the National PTA reached an agreement with the Recording Industry Association of America whereby twenty of the nation's top record companies agreed to police their new releases. Under the accord, the companies agreed to either print lyrics on the back cover of albums deemed offensive, or to provide a warning label (see *Newsletter*, July 1985, p. 138; September 1985, p. 183; November 1985, p. 189; January 1986, p. 3; July 1986, p. 116).

While there were fewer objectionable references in records released in 1986 by those companies that were party to the agreement, PMRC President Sally Nevius told a Washington press conference that some firms who signed are "blatantly ignoring, sidestepping or mocking" the pact while independent labels used objectionable lyrics more often. Among the companies the PMRC charged were not living up to their commitment were Warner Brothers, Capitol and CBS. Joining Nevius at the press conference were Tipper Gore, wife of Sen. Albert Gore Jr. (Dem.-Tenn.) and a prominent PMRC member, and Ann Kahn, national president of the PTA.

Nevius said her group found thirteen new records which either printed the lyrics or provided the parental warning. Only two albums strictly followed the guidelines set forth in the 1985 agreement, however. In addition, PMRC charged that fifteen records completely ignored the agreement's requirements. Albums which the group says should have been labeled with a parental warning of explicit lyrics include the Rolling Stones' *Dirty Work*; AC/DC's *Who Made Who*; Quiet Riot's *QR III*; Vanity's *Skin on Skin* and albums by Iggy Pop, Lizzy Borden, Pauli Carmen, Big Audio Dynamite, Vinnie Vincent, Metal Church, Metallica, The Unforgiven, The Cure, Giuffria, and Cinderella.

In early November, PMRC sent letters to ten record companies that it charged are failing to live up to the agreement. They said they hoped to meet with executives of the firms and as of the December press conference only Capitol Records had failed to respond. The group said that

Elektra/Asylum Records notified them that it had "reconsidered" its position and would begin printing lyrics on back of Metal Church and Metallica records.

Nevius said the PMRC had also met with officials of MTV, the 24-hour cable music network, to suggest that they "cluster" sexually provocative or violent music videos after children are in bed. Noting that "the visual interpretation of a video can completely change the interpretation of the lyrics," Tipper Gore commented that MTV should consider airing warnings similar to those on network TV before showing such videos.

Gore has recently completed a book, *Raising PG Kids in an X-rated Society*, to be published in April by Abingdon Press, a Christian publisher headquartered in Nashville. According to the publisher, the book is an "expose of the seamier side of rock music, videos and advertistments" and a weapon in "the war for our children's minds." It offers "step-by-step guidance to parents who are outraged, baffled, and confused" by explicit entertainment. Gore was named woman of the year for 1986 by the Christian World Affairs Conference for her work with PMRC.

Speaking on behalf of the PTA, Ann Kahn said that the PMRC has had "to fight a battle of disinformation" against opponents who argue that warning labels constitute censorship. "I think some of the fears that have been expressed by the record industry have proved to be unfounded," she said. "We have not had the kinds of censorship people feared would happen." Reported in: *Los Angeles Times*, December 11; *Variety*, November 26, December 17.

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## in review

**The Tolerant Society: Freedom of Speech and Extremist Speech in America.** Lee C. Bollinger. Oxford University Press. 1986. 295 p. \$19.95.

Since the mid-1970s, the theories undergirding Supreme Court pronouncements on freedom of speech have been subjected to rigorous analysis by a new, inquisitive generation of scholars. Unsatisfied with the rhetoric of Brandeis, Holmes and other stalwarts of the past, contemporary students want to reach beyond generalities and find ways to pinpoint which results can be expected to occur when courts choose either to tolerate or to restrain certain speech acts. In Lee Bollinger's view, through-going analysis of the social utility of freedom of expression should be an eye-opening activity that will sensitize us, increasing our awareness of our attitudes and biases regarding freedom and tolerance.

Bollinger poses difficult problems. He would, for example, have us consider "whether the actual operation of free speech might have the ironic result of stimulating excessive intolerance elsewhere in the society." At all times, he is con-

cerned with the disjunction "between our legal responses to speech and non-speech activity within the society." Why, he asks, are we unwilling to regulate speech acts which may in fact be more disruptive and harmful to society than much of the non-speech conduct for which penalties are provided?

Toleration of extremist speech has been defended in a long series of U.S. court decisions. These customary defenses did not prove to be adequate when jurists attempted to untangle the complex issues involved in the Skokie case, Bollinger suggests. The case arose following a confrontation between American Nazis (claiming the right to march in Skokie) and residents of the community (many of whom were Jews with painful memories of the Holocaust).

In ruling that the village of Skokie was not justified in banning Nazis from marching, the courts did reach the right decision, Bollinger believes. He is not satisfied, however, with the way in which the verdict was reached. Important aspects of the case—such as the careful weighing of the damages suffered by Skokie's Jewish residents—were not explored, he says. Cases of this type could perform an important educative function—increasing public awareness of the costs of intolerance.

"At the very least," Bollinger says, "seeing the problems and difficulties involved in the demand for censorship of speech would provide us with a foundation on which to engage in self-examination of the ways in which we approach and deal with conflicts over speech activity."

A society that prizes freedom needs to erect whatever defenses it can against intolerance. Constitutional guarantees of free speech are, Bollinger says, in danger of becoming anomalies whenever proponents of free speech exhibit "precisely the intolerant mind that the principle is intended to point up and condemn." What is essential, he says, is for us to become aware of the intolerance impulse as it operates throughout society—and especially as it colors our thinking and behavior.

How will the tolerant society come into being? Clearly, Bollinger sees free speech controversies as occasions for educating citizens about tolerance. As we become more aware of what is being said in public disclosure and what reactions are being evoked, we learn to recognize speech not as an isolated aspect of society but as an integral ingredient of social intercourse and interaction. Free speech, then, is not an end in itself but can be the tool for shaping a society in which individuals are consciously developing "a capacity to accept diversity in broad areas of social interaction."

For the tolerant society which the author envisions, freedom of speech is essential. He says freedom of all kinds must be exercised with extreme self-restraint. Shared values, developed incrementally, enable members of the tolerant society to accept a great deal of diversity without feeling threatened by it.

What has been the free speech concept's impact on society, particularly in the realm of social thought? Scholars need

to look at this question, Bollinger believes. Not content with traditional scholarship that attempts to fashion more precise tests for use in court litigation, Bollinger insists "we also need to look at how the concept of free speech affects social decision making beyond the realm of legal restraints on speech."

An important book, *The Tolerant Society* is comprised of eight essays that explore a broad question: How can the modern concept of freedom of speech be defended without relying on outmoded ideas of the past? This could be the opening salvo in an intellectual battle continuing well into the next century.—Reviewed by Clifton Anderson, Editor, *Agricultural Communications Center, University of Idaho, Moscow, Idaho.*

**Press Law and Press Freedom for High School Publications.** Louis E. Ingelhart. Greenwood Press, 1986. 170 p. \$29.95.

This book, number six of the Greenwood Press series, Contributions to the Study of Mass Media and Communications, is primarily a discussion of the limits of free press in secondary schools. As the subtitle indicates, it covers "court cases and related decisions discussing free expression guarantees and limitations for high school students and journalists."

Ingelhart begins by touching on the history of freedom of the press in the United States, then going on to explain which expression can, and which cannot, be regulated by the school, and what influence the age of the students has on the degree of regulation that is permissible. He discusses too the materials, such as the obscene and libelous, that are regulated even in the non-school environment. Even those who are knowledgeable about the major Supreme Court decisions in this field will be interested in Ingelhart's review of lower court and state court decisions.

He moves on to discuss the rights of the student press with reference to such things as newsgathering, confidentiality, invasion of privacy, and the relationship between the press and advertisers. A chapter is devoted to the role of, and legal problems connected with, the publications advisor. Yearbooks and so-called "underground press" are covered, as well as school-sponsored newspapers. High school radio and television journalists are discussed only to a limited degree, perhaps a reflection of the paucity of case law in these areas. A section on legal problems with contracted labor—usually printers and yearbook photographers—is also included.

In addition to an annotated bibliography, an index to the cases mentioned concludes the book. Ingelhart's praiseworthy use of current cases is worth noting, even though the fact that some cases are still in litigation makes it impossible for him to publish the results.

A significant problem with this book is its mixed focus. On the one hand, the material is presented as though for the use of the high school journalist, complete with the use of language and terms presumably familiar to such an audience. Perhaps the infelicities in the prose are caused by Ingelhart's attempt to write for an audience younger and less sophisticated than those for whom he usually writes. The summaries at the end of chapters also often contain advice directed to "you."

Yet the book is not illustrated, and offers little of the visual interest appropriate to the intended target group. It also includes one-paragraph summaries of court cases that presuppose background knowledge unlikely for most high school students.

Even granting that high school journalists are the main intended audience, however, does not account for some of the advice that Ingelhart gives to these readers. It is inoffensive enough, although of dubious usefulness, to advise high school journalists concerned with libel suits to be "accurate; be fair and reasonable in comments." It is more questionable to tell them to "recruit staff members who have parents who are attorneys and who might be willing to help." (p. 87) To the extent that this is good advice at all, it is applicable only in schools in socioeconomic areas where such discrimination is possible.

Ingelhart mentions, but not at great length, the fact that students in private schools have not been held to have First Amendment rights while under the authority of school officials. With the growing increase in the number of private schools, this is an area that would seem open for much more future research, as well as litigation.—Reviewed by Susan Branch, Reference Librarian, Worthington Public Library, Worthington, Ohio 43085.

### self-censorship in action

*The following letter is reprinted in its entirety from the "Reader's Forum" column of the November/December 1985 issue of The Humanist.*

Our library has just received the last issue of *The Humanist*, and I am throwing it and all the back issues we have away. I don't know who was responsible for ordering the subscription, but please do not send it anymore.

I have just recently been informed what a humanist is, and I do not agree with its perspectives.

Sandra Ford  
Assistant Librarian  
Russell Hester Library  
Chelsea, Oklahoma

## FTRF report to ALA Council

The following is the text of the Freedom to Read Foundation's report to the ALA Council, delivered January 19, 1987, by President J. Dennis Day.

It is fitting that the report of the Freedom to Read Foundation be made on a day which has been set aside to celebrate the author of these words, "I say to you today, my friends, so even though we face the difficulties of today and tomorrow, I have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed." While this stirring message was made a score ago, on a different battle field, it rings true today for the challenges that we are facing. My report as President of the Foundation will focus on these challenges. Please join me for a few minutes and make a journey to the challenges of the past, challenges of the present, and challenges of the future.

The Freedom to Read Foundation grew out of the cold ashes of McCarthyism. During the nearly two decades since its birth, the Foundation has worked with and supported the many heroes and heroines of our profession—the true freedom fighters—who have put livelihood and sacred honor on the line defending the First Freedom.

I am pleased to report that the Foundation approved the establishment of a Roll of Honor, a means for recognizing those who have been on the frontlines in the battle against censorship. Our intent in establishing this Roll is two-fold. First, to bring to the library community the story—often now history—of those persons we are honoring, and second, as a tool for widening the visibility and underscoring the importance of intellectual freedom issues.

The past fall was extremely active in terms of First Amendment cases. The results have been mixed. Let me start with our victories. We have a clear win in *American Council of the Blind v. Boorstin*, a case in which, as you know, ALA was a plaintiff. The Library of Congress ceased production of the braille edition of *Playboy* in December, 1985, after Congress—at the initiative of Rep. Chalmers Wylie (R-Ohio)—withheld \$103,000 in library funds, the exact amount it costs to print that magazine for the blind. Rep. Wylie, in discussions on the House floor, explicitly connected the reduction in funds to his previously unsuccessful effort to get the library to drop production of the braille *Playboy*. On August 28, 1986, U.S. District Court Judge Thomas F. Hogan ruled that the Library of Congress violated the First Amendment rights of blind people by eliminating braille editions of *Playboy* magazine. Hogan stated that the Library of Congress' decision to halt publication was unconstitutional because "it was viewpoint-oriented." The government initially indicated its intention to appeal, but has recently withdrawn its appeal and the decision, therefore, stands.

In two other cases we have victories—but they are being appealed by the government. Curiously, both cases involve

films and their labeling by the federal government. *Meese v. Keene* concerns films coming into the U.S. from abroad and *Bullfrog Films v. Wick* concerns films being exported from the U.S. *Meese v. Keene* involves the use of provisions of the Foreign Agents Registration Act to label as "political propaganda" those foreign-produced films which present a pointed perspective on controversial issues. The films in question in this case were produced by the National Film Board of Canada and deal with acid rain—a topic about which the current administration is quite sensitive. In this particular instance, a legislator in California wished to air these films, but felt that he would be tainted by their having been labeled "political propaganda" and that this tainting constituted a violation of his First Amendment rights. The California Supreme Court decided for the plaintiff and the government has appealed. The case is currently before the Supreme Court and the Foundation has filed an *amicus curiae* brief.

In the second case, *Bullfrog Films v. Wick*, U.S. District Court Judge A. Wallace Tashima ruled that the U.S. Information Agency violated the First and Fifth Amendments to the Constitution by using guidelines that were vague and unenforceable in deciding which documentary films were to receive "Certificates of Educational Character." These certificates exempt U.S. produced films distributed abroad from many import duties and red tape requirements of foreign governments. Lack of such certificates can effectively eliminate circulation of such limited-audience films.

The plaintiffs in this case, ten filmmakers from four production companies, charged that the USIA used the regulations to censor opinions that were at odds with those of President Reagan's administration, and that the agency's refusal to grant the export certificates "chilled" their right to make and distribute films that "present a point of view that is considered unfavorable" by the government.

Judge Tashima agreed, saying that "These regulations are not merely flexible, they are boundless" and put the agency "in the position of determining what is the 'truth' about America, politically and otherwise. This, above all else, the First Amendment forbids." The government is appealing the ruling. The Foundation voted to contribute \$3,000 to the Center for Constitutional Rights toward legal fees in the appeal.

The Foundation also approved the donation of \$500 to the Minnesota Civil Liberties Union Foundation to help defray legal expenses in the case of *Bvstrom et al. v. Fridley High School, et al.*—affectionately known as "Fridley II"—a case involving the suspension of three high school students for publishing and distributing an underground student newspaper that the assistant principal said contained an article

(continued on page 63)

## and it was all for nothing!

After spending \$734,371 on a controversial study of cartoons and other visual images in *Playboy*, *Penthouse*, and *Hustler* magazines, the Justice Department announced in November that it would not publish the final report because its quality was too low. The three-volume study by researcher Judith Reisman was sponsored by American University. It described and analyzed pictures from 372 issues of *Playboy* since 1953, 184 issues of *Penthouse* since 1969, and 125 issues of *Hustler* since 1975. It included voluminous charts and graphs, but offered limited conclusions about the portrayal of children and of their sexual abuse in the magazines (see *Newsletter*, November 1986).

The study was approved in 1984 by Alfred Regnery, then-director of the department's Office of Juvenile Justice and Delinquency Prevention, despite considerable protest by members of Congress, social scientists, and civil libertarians that it was biased, methodologically unscientific, and overly expensive. Critics argued that the project went well beyond the concerns of the Juvenile Justice Office and threatened to place the federal government in the inappropriate position of censor. It was also charged that Reisman, whose previous experience in the field of juvenile studies had been as a writer for the Captain Kangaroo television show, did not have qualifications and training in social science research.

The original and ostensible purpose of the study was to analyze the relationship between pornography and crime and violence among youth, but the final report aimed only at proving that children were frequently portrayed in the pages of the three magazines in a sexual manner.

"As the final report from American University acknowledges, there are multiple serious flaws in the methodology," Regnery's acting successor, Verne L. Speirs, wrote in a letter to the university. "We believe, based on confirmation of the problems by external peer reviewers that these flaws significantly reduce the definitiveness and usefulness of the findings.

"In fact, the major objectives of the study . . . were not accomplished," Speirs said. His letter informed the university that "we have made a decision not to officially issue or disseminate the report."

A department representative said it is not unusual for the juvenile justice office to refuse to publish studies it has financed but that "only a very small number are not recommended for publication due to quality."

Responding to criticism of the report, Reisman charged that some of her key findings and statistics were "removed" by American University before the report was submitted to the Justice Department. She said she found 6,004 images of children and 14,854 images of crime and violence in the three magazines, and that these were "juxtaposed with approximately 50,000 images of adult female nudity."

"Children have been described very sexually in these

## in Canada, too!

As if to confirm charges that Judith Reisman had drastically overcharged the Justice Department for her "study" of *Playboy*, *Penthouse*, and *Hustler* magazines, it was revealed early this year that the government of Canada spent just \$24,000 for a not very dissimilar study of the "erotic density" of the same three adult periodicals. A French-language draft of the study, written by Quebec anthropologist Pierre Maranda and dated March 31, 1986, was obtained by the press under access to information statutes.

The study, part of the material being used as the Canadian Justice Department prepared to introduce new legislation designed to curb pornography, measured the "erotic density coefficient" of the magazines between 1965 and 1985. That means that researchers determined the ratio of erotic material to such neutral material as book and record reviews in the magazines.

According to the report, *Hustler* had the highest coefficient, 41 percent. *Penthouse* came in second at 30 percent. *Playboy* was considered to be so tame that the researchers didn't measure its eroticism.

Daniel Sansfacon of the Justice Department said the study was commissioned as part of a proposed series of reports including studies measuring the full scope of erotic and pornographic material and a measurement of what portion of the material is acceptable to the public. But lack of funds ended the research after the "erotic density" analysis. Another loss for science. Reported in: *Montreal Gazette*, January 9.

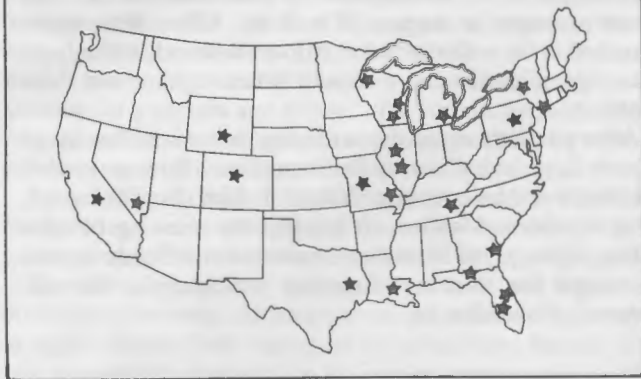
materials, and in violent scenarios," Reisman said. "They've been described as appropriate sexual targets for adults and older juveniles, and they've been described as not harmed by any of this material." She called this part of "the trivialization of child abuse in the media." Reisman said American University had "removed" these conclusions from her report.

One reviewer, Robert M. Figlio of the University of Pennsylvania, told the university that the study was not of publishable quality and was "in no way related" to the grant proposal. "I seriously question the value of the contribution of this project," Figlio wrote.

Reisman now runs the Institute for Media Education in Arlington, Virginia. She said she founded the institute to put her research into "educational packages" to be disseminated to "schools and churches." Reported in: *Washington Post*, November 19.



## censorship dateline



### libraries

#### Tulare, California

An elementary school book that prompted a complaint over the phrase "crock of shit" was returned to the library in late October—with the word shit whited out. "They can use their imagination," said Mike Wenn, principal of Roosevelt Elementary School. The phrase—and the whiting out—appear in two places.

The book, *Anastasia Krupnik*, by Lois Lowry, concerns a ten-year-old girl's feelings about her mother's pregnancy. Wenn said he removed the book from the school library after a parent complained about the phrase. "I only removed it for one reason—and that was to give me time to read the book," he said. "It's a special book. Read it. You'll enjoy it," he added. Wenn's explanation for the removal contradicted earlier statements to the effect that removal came after a previous decision to edit out the offensive phrase prompted controversy (see *Newsletter*, January 1987, p. 9). Reported in: *Fresno Bee*, November 1.

#### Jefferson County, Colorado

As a Jefferson County school curriculum committee heard testimony on one controversial library book November 24, district administrators received another book challenge—the third in less than a month. Sharon Wasil petitioned the district to remove from library shelves a book of folk tales that she says deals with subjects such as witchcraft, cannibalism and white magic. The book is *Bony-Legs*, by Joanna Cole.

"This is America, and I realize people can let their children read what they want, but I would like to see this book withdrawn from the library," Wasil said. "Would this book if it had miracles performed by God be allowed in our schools?" she asked in her written challenge. "There are people to whom this subject of magic is a religion."

Meanwhile, a curriculum committee heard Littleton parent Claudia Johnston complain that *Unicorns in the Rain*, by Barbara Cohen, puts too much emphasis on drugs and sex. "I don't think discussion of seduction and rape are suitable topics for an elementary school child," she said. The book depicts a future society where all citizens carry guns and use drugs.

A previous challenge to *The Fragile Flag*, by Jane Langton, was withdrawn in October and four books challenged for encouraging Satanism received district approval in May (see *Newsletter*, May 1986, p. 82; September 1986, p. 173; November 1986, p. 224; January 1987, p. 10, 29). Reported in: *Rocky Mountain News*, November 25.

#### Columbia, Missouri

Attempts by a citizens' group to have the publications *Playboy* and *National Lampoon* removed from the collection of the Daniel Boone Regional Library have come under attack from Library and Information Science students and faculty at the University of Missouri, Columbia. A November 10 letter to the campus newspaper signed by 37 students and faculty said that if attempts by the group, Citizens Against Pornography (CAP), succeed, "diversity and intellectual freedom would suffer."

CAP published a report on "pornography" in Columbia October 10 which listed the library with other businesses distributing pornographic materials. Although CAP leader Tom Drechsel said the library was "simply one location that was investigated," after the report's publication the group seemed to focus its attention on that location.

"We are concerned about the library in particular because our tax dollars are keeping it floating," he said. "We feel that as citizens we have a right to provide input. We would like to see them remove anything that's obscene in its depiction or wording."

William Combs, a CAP member and president of the Columbia chapter of the National Federation for Decency, said November 12 that the group would seek a court order to have the offending material removed if necessary. "What we're doing is taking advantage of man's law to bring about the kingdom of Jesus," he said.

Library director Gene Martin said that because the library's funds come from the public it must consider the needs of the community as a whole and not simply accede to the demands of a single group. "We are a free and open institution and we take into account the needs of the entire community," he said. Martin said that *Playboy* and *National Lampoon* each meet library selection criteria as determined

by the library board. "These are for a certain segment of the population—very popular in the same sense that *Popular Mechanics* is very popular for another segment of the population," he added.

Martin said the library would change its book selection policy only if instructed to do so by a court order. "We're going to continue to operate in the same way we have been," he said. Reported in: [U. of Missouri] *Maneater*, November 14.

### **Las Vegas, Nevada**

A group of University of Nevada at Las Vegas photography students boycotted an art show set to open December 17 at the North Las Vegas Library to protest the library's rejection of three photos showing the naked breasts of one student. The students, under the direction of instructor Pasha Rafat, instead arranged to hang their work in a nearby coffeehouse which was scheduled to open New Year's Eve.

The controversy began December 15 when the students began to hang their work inside the library according to arrangements made by Professor Rafat in September. When Jana Harry, a 24-year-old fine arts student, put up her five picture sequence of self-portraits, two library employees objected to three photos showing the woman's breasts. The photographs, done with blue on white halftone dots were barely discernible as nudes. Another student photograph of the remains of fly-covered dead dogs and cats at the county pound was not considered objectionable.

"This work has a place in the show, but it could give children nightmares and if it is not judged obscene, then my work should not be judged obscene," Harry said. "My breasts are showing in the pictures and that's what really upset them. My objective was not to make pornography. These are not explicit photos and I feel like I'm being censored. Nothing should be censored and I think they're being contradictory."

"The pictures are quite large and we thought it might be inappropriate to show them," library director Thomasina Carson said. "It would be difficult to monitor children in the gallery who could see this." Carson added that an unwritten city policy forbade display of frontal nudity in public buildings.

Carson ordered Harry to remove the three pictures, but she decided to take down the entire group and asked whether she could hang a letter of protest in their place. After removing the photos, Harry talked to the rest of the class, which voted unanimously to boycott the show. Reported in: *Las Vegas Review-Journal*, December 17; *Las Vegas Sun*, December 19.

### **Manlius, New York**

A showing in Manlius, a suburb of Syracuse, of the movie *Birth of a Nation* was canceled November 24 after objections that the film was racist. The Manlius Historical Association,

in conjunction with the village's public library, had agreed to sponsor the 1915 film—generally recognized as a landmark in the development of both cinematic art and racist propaganda—as part of a series. Other films to be screened in the series included Alfred Hitchcock's *The Lady Vanishes*, *Casablanca*, a Charlie Chaplin film, and *Lost Horizon*.

After publicity about the screening, however, Onondaga County Legislator Clarence Dunham (Dem.-Syracuse) called the library and his colleague Willard C. Lipe (Rep.-Pompey), who represents Manlius, to ask that the showing be canceled. Library and Historical Association officials agreed to cancel the showing. Reported in: *Syracuse Herald-Journal*, November 24.

### **Claxton, Tennessee**

A Claxton church group's charges that two children's books in the Claxton Elementary School library contain satanic themes led an 11-member review committee appointed by the Anderson County school superintendent to place one book on restricted status and return the second book to library shelves. The decision came less than two weeks after the initial complaint against the books was filed by the Rev. David Stephens, Jr. and 36 members of his Zion Baptist Church. Superintendent Terry Webber said it was his "intention to follow board policy and the recommendations of the committee."

The committee recommended that *Curses, Hexes and Spells*, by Daniel Cohen, be placed on reserve status. Students with parental permission would be permitted to check out the book. The committee said they reached their decision in part because reviews in *School Library Journal* and *Booklist* listed the book as appropriate for junior and senior high students. The committee recommended that *The Devil's Storybook*, by Natalie Babbitt, remain on open library shelves.

The complaint against the books, filed November 11 by Rev. Stephens, objected to "the total theme of the books," which make "hell and the devil innocent and alluring." On his complaint form Stephens wrote that he saw "no valuable educational content of such material," arguing instead that the materials were "influential in introducing children to the occult." He said the books were brought to his attention by the mother of a second grader.

The review committee included Rev. Stephens, school and county librarians, teachers, parents, and members of the county Citizens Advisory Council. Stephens said he agreed with the committee's decisions. Reported in: *Clinton Courier*, November 20; *Oak Ridger*, November 13, 24; *Knoxville Journal*, November 15, 22; *Knoxville News-Sentinel*, November 14, 22.

### Racine, Wisconsin

The Racine Unified School District's Library Materials Review Committee voted 6-2 December 9 to limit access to *Slaughterhouse-Five*, by Kurt Vonnegut, to students who have parental permission. The book, which was in all four Racine public high school libraries, is "educationally unsuitable for a certain age group," the committee said. The restriction was the first under a new policy calling for committee review of challenged library materials.

School official William Grindeland requested review of the book and was a member of the review committee. He told committee members that he objected to language used in the book, depictions of torture, ethnic slurs, and negative portrayals of women. Although at one point he told reporters he might abstain from voting on the committee, he said he saw no conflict of interest in his vote to restrict access. "I objected to the book being in a school library," he said, "and I still do. But restricting it is a good compromise."

In May, the Wisconsin Library Association unanimously adopted a resolution censuring the Racine Unified School District "due to the conflict between the policies and practices of the District as they relate to library materials selection and purchase and the principles of intellectual freedom as supported by the Library Bill of Rights of the American Library Association" (see *Newsletter*, July 1986, p. 114). Reported in: *Racine Journal Times*, December 10, 12.

### West Allis, Wisconsin

The West Allis-West Milwaukee School Board banned the novel *Vision Quest*, by Terry Davis, from school libraries December 1, a week after board member Ernest Terrien read profanity-ridden passages from the novel aloud to board members and a cable television audience. The board took the action on a 5-3 vote despite more than 45 minutes of criticism of Terrien and board member Alfred Szews by district residents and teachers.

The district administration decided in 1984—after a previous effort by Terrien—that *Vision Quest* would be available only to students 18 or older or with written parental permission. Although the district's only copy of the book disappeared from the West Milwaukee High School library in late 1985, the board's latest action was intended to prevent its replacement.

While Terrien's campaign against *Vision Quest* succeeded, the board rejected two other motions he made to ban or restrict use of two books of poetry by Shel Silverstein, *Where the Sidewalk Ends* and *A Light in the Attic*.

Terrien maintained that *Vision Quest* should be banned because of its profanities. He said the Silverstein books should be removed because they "suggest drug use, the occult, suicide, death, violence, disrespect for truth, disrespect for legitimate authority, rebellion against parents," and because they inspire young readers to commit "acts of violence, disbelief, and disrespect."

"How much vandalism, how many acts of violence,

disbelief, and disrespect have these poems inspired?" Terrien asked the board. "I guess we will never know. How many windows have been stoned, how many dishes have been broken? Perhaps only our vandalism reports will continue to tell us part of the answer."

Among those speaking out against Terrien was Kate Raab, chair of the Wisconsin Library Association Intellectual Freedom Committee, who urged the board to put a stop to censorship and recommended support for district teachers and librarians. "Censorship is more rampant today than it was twenty years ago," she said. "The fundamental right of free expression must be protected and preserved." Reported in: *Milwaukee Journal*, November 25, December 2; *Milwaukee Sentinel*, November 25, December 2.

## schools

### Lake City, Florida

Four parents have filed a lawsuit against the Lake City, Florida, school system charging that their children's rights were violated when a textbook called *The Humanities: Cultural Roots and Continuities* was banned from the classroom. They charged that their children have been denied exposure to the book because it contained selections by Aristophanes and Chaucer that offended a local minister.

"Part of our contention is that people are using their religious beliefs to censor what is otherwise an approved piece of educational material," said Michelle Ivy, executive director of the Florida ACLU which is supporting the suit. The parents all have children in the Lake City schools, but only one couple have a child in the Columbia High School humanities class from which the book was banned.

The controversy began when the board banned the book last April after the Rev. Fritz Fountain, a Baptist minister whose daughter was in the humanities class, objected to language in Chaucer's *The Miller's Tale* and Aristophanes' *Lysistrata*. Concerned about the threat of a lawsuit, the board voted September 9 to place the book in the school library, but to continue the ban on classroom use (see *Newsletter*, September 1986, p. 153; November 1986, p. 207). Reported in: *Raleigh News & Observer*, December 11.

### Lakeland, Florida

Textbooks used in the Polk County school system are rife with references to sex and other topics that are inappropriate for classroom study, two Lakeland residents who studied the books told the school board November 11. Grace and David Yost brought a carton of textbooks to the board meeting and cited several passages they charge show the influence of "secular humanism." "We intend to make a challenge of the whole thing, possibly through the courts," David Yost said.

Grace Yost quoted a passage from one high school sociology text that said there's "no biological reason" why human beings shouldn't have sex "whenever, wherever, however and with whomever" they please. "They're told in these books that they're entitled to express themselves freely, that that is their right," she alarmedly concluded.

The Yosts also objected to another book's discussion of alternative lifestyles, which they charged referred to homosexuality as "normal" and mentioned AIDS. "This is a nightmare," Mrs. Yost said. She accused school board chair Nancy Simmons and Polk Education Association leader Larry Simon of pushing a liberal philosophy which undermines family values.

The couple also dismissed the school system's Sex Education Task Force as "a farce," charging that they were stifled when they testified during a public hearing. "Parents' rights do not end when you have [students] in your clutches," Mr. Yost charged. He asked why a sex education curriculum is needed in kindergarten through grade 12 when "the nitty-gritty of it can be taught in less than an hour."

Testifying before the board a second time two weeks later, David Yost charged that "all the evils of society are nurtured by the books available in Polk public schools." Yost absolved the board from full responsibility, however, informing board members that "these books are forced on you because they are approved by the federal government and the state of Florida."

Reporting on what they said was an 18 month study of district textbooks, the Yosts told the board the following secular humanist concepts could be found in the books:

- Darwin's theory of evolution instead of Biblical creationism. Reading from *Understanding Psychology*, a science book used in an elective high school course, Grace Yost said, "It says here that human beings evolved from more primitive organisms, and you can't expect me to believe that."

- Situation ethics. "These books don't give children a clear idea of what is right and wrong," David Yost said.

- Values clarification, or the idea that values other than traditional Christian ones may be acceptable. "These books undermine the family by telling children to lie to their parents and see their parents as an enemy, and that's garbage," Grace Yost said. Reported in: *Lakeland Ledger*, November 12, *Winter Haven News-Chief*, November 23.

### **Panama City, Florida**

An English teacher's effort to get the controversial novel *I Am the Cheese*, by Robert Cormier, reinstated in the curriculum at Mowat Middle School failed November 12. The novel had been banned by Principal Joel Creel and School Superintendent Leonard Hall last spring following a petition campaign by some parents against it and another Cormier novel, *The Chocolate War* (see *Newsletter*, November 1986, p. 209).

In August, however, the board instituted a new policy for

selection and review of instructional materials. The policy did not stipulate an appeal process for works denied selection, but did permit those concerned about materials already in use to appeal to the school board. Teacher Gloria Pipkin reasoned that *I Am the Cheese* fell into the second category and went before the school board.

"At the public hearing in August we repeatedly heard that any decision could be appealed to the school board," Pipkin said. "Despite the fact that the board attorney, Mr. Harrison, recently informed me that no right of formal appeal exists under the new policy, I am here today requesting that you restore this powerful tool to our curriculum. Make no mistake about it, *I Am the Cheese* has been banned in the Bay County School System because the ideas in it are offensive to a few."

Pipkin told the board the book "has been widely praised since its publication in 1977. *The New York Times Book Review*, *School Library Journal*, and the American Library Association all included it on their respective lists of best books of the year for young people." She reminded the board that the book was approved by the majority of the students' parents and by a specially appointed review committee after its use was first challenged.

After Pipkin spoke board chair Robert Young asked whether the board wanted to "overrule the principal of the school and the superintendent." Board member Tommy Smith said the only way to handle the problem would be to amend the instructional materials selection policy, but no motion was made to that effect. "The principal is the curriculum head," Superintendent Hall said. "I would simply like the board to uphold the policy and let's move on."

Pipkin was supported by five other people who described the book's removal as censorship. But Charles Collins of Concerned Citizens for Quality Education, who led the fight against the Cormier books, remarked that "teachers are under contract and in that contract it says that the principal is the head of the school. If teachers are unhappy then they should resign. We would ask this board to reprimand the teachers." Reported in: *Panama City News-Herald*, November 13.

### **Savannah, Georgia**

Brer Rabbit has been banned from Savannah-Chatham County elementary schools, and members of a local theatre company are puzzled by it. Savannah Theatre Company officials said December 10 that the school system may have terminated performances of their play, *Brer Rabbit's Big Secret*, based on Joel Chandler Harris' well-known Uncle Remus tales, because they feared school children might regard the production as racist.

Although theatre director Ken Watkins said a school administrator told him the play included a "racial slur," school system spokesman Barry Ostrow denied that was the problem but said dialogue in dialect was harmful to the schools' teaching efforts. Ostrow said half of the district's students,



black and white, come from low income homes. "Many have poor speech habits to begin with," he said, "so the broken dialect of Brer Rabbit and the other characters is inappropriate for second graders. Whether it's black or not is not the issue but the fact that the children are going to be hearing language that is not familiar to them."

Watkins dismissed that argument, however. "One thing I was certain to do in directing the production was not to emphasize the dialect," he said. "It became just sort of country folks talking." Watkins said two school officials who axed the play complained about a scene in which Brer Rabbit confronts a black tar baby built by Brer Fox to trap the rabbit. Watkins, who is white, said the two officials told him the tar baby "might be seen as a racial slur." He said Mary Roberts, a black school administrator, went backstage after the first performance to inform Watkins that the play was being canceled.

Emory University English professor Lee Pederson, who is an expert on dialects and Harris, said he could see how "upwardly mobile middle-class blacks could see the dialect as racist, just as upwardly mobile middle class white Chicagoans might object to a rural accent being said to represent Midwesterners' speech." He noted, however, that "Joel Chandler Harris was an extremely enlightened man of his age. . . . [He] repeatedly said his aim in the stories was to preserve the spirit of marvelous black storytellers. And you have to remember, the true authority figure in these stories, the guy calling all the shots, is Uncle Remus, a black man."

In the glare of publicity school administrators were apparently rethinking their decision to cancel the play. "We're getting a lot of national attention, and that suggests maybe we should look again at what we did," Ostrow said. He held out the possibility that the show might be performed for older students. Reported in: *Atlanta Constitution*, December 11; *Chicago Tribune*, December 28.

### Mount Morris, Illinois

A simmering controversy over the Quest "Skills for Adolescence" Program in the Mt. Morris School District came to a boil November 17 when Nancy and George Poe filed an official request with the district to remove two supplemental reading books from the class. The books, *The What's Happening to My Body? Book for Girls* and *The What's Happening to My Body? Book for Boys*, both by Lynda Madaras, should not be made available to the seventh grade students enrolled in the twelve week course, argued the couple, who had withdrawn their own children from the school district. "It's just written from a permissive point of view," George Poe said.

On December 5, the Poes were informed that a Media Review Appeal Committee had discussed the case and reached the following conclusion: "While sensitive to concerns of parents, the Committee was unanimous in its feeling that the books were being appropriately used and were ap-

propriate reference materials for the class being taught." It was expected, however, that the Poes would appeal to the school board.

Skills for Adolescence was designed to help young people cope with the changes associated with growing up. Physical maturation is included in the program, but instructor David Winters believed he was not prepared to answer students' questions about this. The teacher asked the junior high school librarian, Christine Bowden, to recommend supplemental texts for students. She selected the Madaras books.

Sixty students were eligible to take the class, divided into three twelve-week groups of twenty students each. Within four weeks of the start of the first session, seven students were withdrawn by their parents. When the Poes filed their challenge the supplementary reading books had not been used by any student.

The Quest program is a project of Lions Club International. Nate Clow, president of the Mount Morris Lions Club, presented the program to the board. He said the club supported the district's decision to use the supplemental books. "I trust the judgment of the librarian and David Winters," Clow said.

The seven part program has come under fire in several districts around the nation, particularly in Michigan, where the attorney general and the state board of education will determine if the program violates state laws concerning personality testing in schools. Reported in: *Mt. Morris Telegraph*, November 26.

### Flat River, Missouri

When, at his initiative and under his guidance, Carroll Gerig's high school students produced a publication they called the *Buschwacker Times*, printed and distributed last April Fool's Day, they didn't realize that the sexual remarks and jesting references to drugs and alcohol they included in its pages would get their teacher fired. But that is what happened.

Some ministers in town and some school officials did not find the contents of the newspaper funny and the six-member school board was so incensed that they dismissed Gerig in May, five days before the end of the school year. The board accused him of immoral conduct.

As a former newspaper editor and religious and civic leader for decades in the Flat River area, some eighty miles south of St. Louis, Gerig wanted to clear his name. He filed suit against his firing in the St. Francois County Circuit Court.

"The thing is wrong, totally wrong," said Rev. Dewayne Petty, a school board member and local pastor, of the student newspaper. "The stand that we're taking is from a biblical point. How can we say this is a learning experience when you can't even use this in a real newspaper? It offends me, it offends everybody who sees it."

Petty's view was seconded by nine other church leaders who sent letters to the school board saying their parishioners

backed Gerig's dismissal. But Gerig's supporters, a growing group, said that many people signed letters circulated by the ministers unaware that anything more than a general statement against pornography was involved.

In dismissing Gerig, the board also cited two previous incidents of alleged "immoral conduct." These included a survey in the late 1970s for the student newspaper *The Centralian*, for which Gerig was an adviser at the time. The survey was authorized by the school superintendent and the principal, but the board criticized it for including questions having to do with student sexual behavior. The other incident mentioned by the board involved a student contribution to the 1983 yearbook, for which Gerig was the adviser. The contribution was an article entitled "Premarital Teenage Sex." The school principal thought the piece inappropriate and had the yearbook company cover it with a black sticker.

Gerig said that when he gave his class the assignment and told them they could fabricate fictional stories "I didn't even think of this [obscenity]." When he got the materials the students had prepared "there were some obscene words . . . and all of these that I saw I edited out. At no time did I voice approval of the raunchy material they prepared." However, Gerig said he believes freedom of the student press is "a pretty important thing," and he let much of the material pass. Reported in: *St. Louis Post-Dispatch*, November 16.

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

High school students from California to South Carolina have already begun seeing a widely praised AIDS education video, *Sex, Drugs and AIDS*. But in New York City, where the video was first commissioned by the Board of Education, students will have to wait. The board refused to authorize release of the video until a greater emphasis is placed on sexual abstinence and less focus is placed on "the tolerance of homosexuals."

A board spokesperson said that a two-minute segment at the end of the video in which the brother of an AIDS victim proclaims "Nobody's going to blame [him]" amounts to "a political message that doesn't have anything to do with AIDS education or with stopping anyone from getting AIDS." Moreover, while the film does suggest that abstinence can prevent AIDS, it also promotes the use of condoms for heterosexual and homosexual intercourse. "Kids need more limits than we've been willing to put on them," the board representative said.

*Sex, Drugs, and AIDS* is part of a curriculum developed after a New York judge complained about the lack of AIDS education in the schools. In December, 1985, the board commissioned ODN Productions to produce an informational video. The script was approved by the board the following February and the completed film was accepted in April—but never shown, at least in New York. In November, while controversy raged over the prescription and dispensation of

birth control in city schools, ODN received a letter asking for unspecified changes and in December the board approved \$46,000 for revisions. Reported in: *Village Voice*, December 2.

#### **Charlotte, North Carolina**

In the wake of controversy over the novel *Flowers for Algernon*, by Daniel Keyes, the Charlotte-Mecklenburg school board December 9 unanimously approved minor changes in its policy for reviewing books and other instructional materials. Acting Superintendent Robert Hanes proposed the changes after Charlotte lawyer Timothy Kroboth criticized the policy at a November school board meeting.

In October, Kroboth collected 43 signatures on a petition calling for the removal of *Flowers for Algernon* from a tenth grade supplementary reading list because it is "pornographic" (see *Newsletter*, January 1987, p. 12). He told the board that his group had filed a formal complaint about the book at an unnamed school in the district. Kroboth also urged the board to create an instructional materials review committee comprised of school board members to replace a current policy permitting appeals to the board of decisions reached by a committee of educators.

Under the changes adopted by the board, the school committee reviewing a challenged work must reach a decision within twenty working days. In addition, information on the complaint process must be sent to parents at the beginning of the school year. Reported in: *Charlotte Observer*, December 10.

#### **Lilly, Pennsylvania**

A horror film screened as a Halloween treat for a class of seventh graders became a nightmare for the teacher who showed it. Roland Floor was suspended indefinitely with pay by the Penn Cambria School District for showing the R-rated movie *Carrie* to his class at Lilly Middle School. Floor, a second-year teacher in the district, apparently showed the movie as a reward to the class for good performance and attendance.

Although district policy does not directly address the showing of R-rated movies, School Superintendent Russell Strange said it contains a section stating that educational materials must be approved and must reflect contemporary community standards. "I think the majority of us think it [*Carrie*] would go against community standards," he said. Reported in: *Philadelphia Inquirer*, November 27.

#### **Cleveland, Texas**

Cleveland Independent School District Superintendent Charles Barker banned Stephen King's novel *Salem's Lot* from high school English classes in November despite a 6-1 ruling by a review committee, appointed by Barker, that the book had "instructional value." Barker removed the book

from a ninth-grade class in October even though teachers had already inked out objectionable words (see *Newsletter*, January 1987, p. 12).

"I object to the language," Barker said. "The four-letter words in that book, the profanity, doesn't do anything for me. He said he would allow a single copy to be placed in the restricted section of the high school library. Students will be able to check out the book when they produce a permission slip signed by their parents.

At a November 18 school board meeting following Barker's ruling, parents generally applauded the decision and urged the board to establish guidelines that would outlaw the use of other books which they called "pornography." The book has awakened a "sleeping giant" that will fight the "disintegration of moral standards" in the schools, said Guy Jackson, youth minister at the First Baptist Church in Cleveland.

Such reactions worried teachers. "They were very upset about what this could mean for all of us," said ninth-grade English teacher Debby Haas, a Cleveland High alumna, who initiated the controversy when she issued *Salem's Lot* to two of her honors English classes. Some teachers expressed concern that literary classics containing controversial elements might now be challenged. Reported in: *Houston Chronicle*, November 13; *Houston Post*, November 13, 20.

### Medicine Bow, Wyoming

A high school English teacher vowed to appeal to the school board a committee ruling which removed John Updike's novel *Rabbit, Run* from the required reading list for Junior English at Medicine Bow High School. Using the book in his literature class is a "basic question of academic freedom and freedom of speech," Wes Nethercott said. If school board members do not return the book to the list, he said he would pursue the matter in court.

The controversy began when Judy and Charles Siddall, who have a son at Medicine Bow High and a daughter in the eighth grade, filed a complaint against *Rabbit, Run* and against *Catcher in the Rye*, by J.D. Salinger, which is used in Nethercott's senior class. Neither of the Sidall children is in either class and the parents admitted in a committee hearing that they had not read all of either book. The Sidalls apparently objected to sexual references and profanity in the books. According to Nethercott, "they summed up their comments by saying they felt it was a religious issue."

The review committee, composed of Medicine Bow Principal David Orr and two teachers, decided that *Rabbit, Run* should be removed from the list, but that *Catcher in the Rye* could still be used. Reported in: *Casper Star-Tribune*, November 13.

## university

### Baton Rouge, Louisiana

Students protesting what they charge is censorship on the Louisiana State University campus carried placards and signs into a December 5 meeting of the LSU Board of Supervisors. The students marched on the board office to protest university administrators' refusal to lift a ban imposed last summer by the LSU Union Governing Board on Jean-Luc Godard's controversial film *Hail Mary*. The governing board refused to include the film in the fall film schedule after it was already approved by the Union fall committee and program council (see *Newsletter*, November 1986, p. 211).

In the Fall, an appeal lodged by graduate student Nick Wilson, was examined by a panel established under the Office of Student Affairs, which voted 3-2 to overturn the governing board's decision. Nonetheless, university Chancellor James Wharton said he would not reverse the Union Governing Board. The students believe the next level of appeal is directly to the Board of Supervisors, which declined to place the students on their agenda. Board chair Sam Friedman promised, however, that the issue would be addressed at "the next appropriate board meeting."

"The chancellor has made a mockery of the appeals process," Wilson said. "Basically what he said in his statement is that the administration refuses to intervene in affairs of the Union Governing Board, even if he knows an injustice is being done. We want to change the rules so that a program can't be banned by the Union Governing Board as long as they don't violate local, state or federal obscenity laws."

David Saia, a leader of Educational Freedom, a campus group organized to fight the governing board ruling, called the governing board's decision "censorship." He said his group had collected nearly 1,500 signatures of students, faculty and staff who support the right of students to see *Hail Mary* on campus. His group called for a student referendum to take final authority for union programs away from the Union Governing Board and for a student boycott of the Union Bookstore.

*Hail Mary* is a modern-day nativity story, in which Mary is depicted as a gas station attendant who is pregnant out-of-wedlock and Joseph is a taxi driver. Reported in: *Baton Rouge Advocate*, December 4, 6; *Baton Rouge State-Times*, December 4.

## periodicals

### Alton, Illinois

Two local magazine distributors removed adult publications from their shelves after the police chief in this southern

Illinois city launched a crackdown on what he and some ministers considered pornographic material. Chief Donald Sandidge said he initiated the antipornography drive after attending a meeting of the Federation of Decency, a group formed by area ministers, and after an unidentified local paster complained to a city alderman.

Sandidge said his goal is "voluntary compliance" with state obscenity laws. "If they don't comply voluntarily, we may take some kind of legal action," he said.

"I'm in voluntary compliance," said George Deex, owner of Broadway News. "There are no obscene books in my store and never were." Deex removed publications with explicit pictures on their covers, a suggestion made by police who visited his store November 11. Although he went along with the police request, Deex said he disagreed because no adequate definition of obscenity was communicated to him.

Amos Major, owner of Major News and Tobacco, said he removed all men's magazines because he also did not know what would be considered permissible. He complained that the movement against the magazines would "drive it underground where everyone can get it, even kids."

"Why don't the churches do something good with their time and energy like helping the poor and starving people in town?" Deex asked. "There are not adult book stores in Alton—never were and never will be. If there were, they wouldn't be hassling me." Reported in: *Peoria Journal*, November 13.

### Superior, Wisconsin

Dean Krych believes "pornography" is polluting the country. On December 1 he put his money where his morals are. On that day Krych was fired as manager of a 7-Eleven store in Superior for refusing to sell *Playboy* and *Penthouse* magazines. Walking out of the store, Krych was greeted by a rally of 200 supporters. He called on them to boycott all stores that sell pornography.

The rally was also attended by the Rev. Donald Wildmon of the National Federation for Decency, who flew to Superior from Tupelo, Mississippi, to support Krych. Wildmon led a two-year boycott that ended last April with the removal of adult magazines from more than 5,000 7-Eleven stores owned by the Southland Corporation (see *Newsletter*, July 1986, p. 122).

Krych also quit selling the magazines in April, although his store, along with the thirteen other 7-Eleven stores in Duluth, Minnesota, and Superior was bought by the Denver-based Wydomak Corporation in 1985. Krych, who said that he was twice named Manager of the Year by Southland, sold the magazines for six years when that company owned the store. He said he was told October 28 that he would be fired December 1 if he refused to resume sales of the magazines by that date.

Two days later, Denise Granstrom, the store's assistant manager, said she was also fired for "willfully violating store

merchandising" when she refused to sell the magazines and removed them from the shelves.

Krych said he would call off his boycott and consider returning to work only if Wydomak removes the magazines from all of its stores in the area. Reported in: *Minneapolis Star & Tribune*, December 2, 4.

## cable TV

### Warren, Michigan

A gay rights group said it would consider a lawsuit against Warren Mayor Ron Bonkowski because he ordered the city's cable television company not to air a news program aimed at homosexuals. *The Lambda Report*, a 30-minute program produced by the Michigan Organization for Human Rights (MOHR), was scheduled for broadcast December 9 on a public access channel of Warren's privately operated cable TV system. The program is a regular feature on public access channels in 14 Oakland County suburbs and 11 other Michigan cities.

Bonkowski said he learned about the show through an MOHR press release. He said he called an executive of Comcast Cablevision of Warren and ordered him not to air further broadcasts. "I just didn't think it was an appropriate subject for cable television viewers," Bonkowski explained. "It was my decision." Under its franchise agreement with Comcast, the city has programming control over its three public access channels, the mayor said.

"This is blatantly unconstitutional," retorted Craig Covey, executive director of MOHR. "Public access television was created to give voice to minority voices like ours. I'm very offended by Bonkowski's action. I hope the mayor realizes there are thousands of gay men and women in Warren who are being deprived of an opportunity to see this program because of his action. These are people who own homes and pay taxes." Reported in: *Detroit News*, December 10.

## foreign

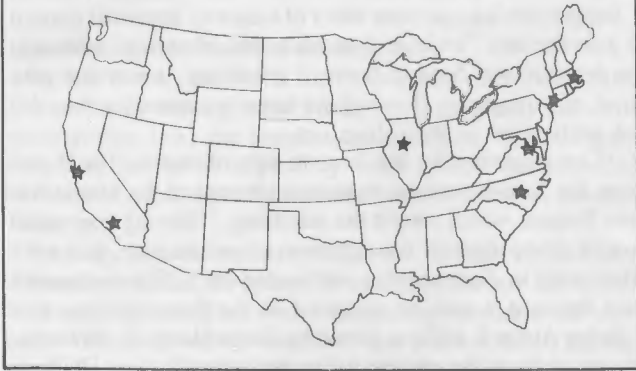
### Ottawa, Canada

Canadian television and radio broadcasters must stop sexual stereotyping of women or, in extreme cases, lose their license, according to the federal broadcast regulator. The ruling issued December 22 by the Canadian Radio-TV and Telecommunications Commission went into effect immediately and was believed to be the first such government order in any country. The order followed seven years of research (see page 48), public hearings and industry consultation.

(continued on page 71)



## from the bench



### U.S. Supreme Court

In a case with eerie echoes of the famous 1927 Scopes "Monkey Trial," the Supreme Court heard oral arguments December 10 on the constitutionality of a Louisiana law that requires teaching of "creation science" in any public school that teaches the theory of evolution.

The central legal issue in the case of *Edwards v. Aguillard* is whether the 1981 statute, strongly supported by fundamentalist Christians who deplore the notion that man evolved from lower forms of life, was passed for a religious purpose in violation of the First Amendment's Establishment Clause.

A federal district court struck down the Louisiana law in 1985, holding that its religious purpose was so clear that no trial was necessary. A three-judge appellate panel upheld the decision, declaring that the law "continues the battle William Jennings Bryan carried to his grave" (see *Newsletter*, May 1983, p. 85; September 1985, p. 162). The full appellate court rejected the state's petition to rehear the case and the state took the issue to the High Court.

The Louisiana law was passed in 1981 by large majorities of the Legislature after a campaign by fundamentalists and others in its favor. In an effort to rebut arguments that it had a religious purpose, the law was stripped of all references to the biblical account of creation, leaving "creation science" virtually undefined.

While conceding that "some legislators had a desire to teach religious doctrine in the classroom," Wendell R. Bird, representing the state, argued that the law had the "primary secular purpose" of advancing academic freedom. He said the law would not require religious teaching or even reference to God or the Bible, but would simply balance teaching of evolution.

Jay Topkis, attorney for individuals who sued to strike down the law, said such arguments merely camouflage the law's purely religious purpose. He said dictionary definitions and the law's legislative history showed that man-

dating "balanced treatment" for creation science meant to indoctrinate pupils in the belief that the universe and all life forms were created "by a transcendent God out of nothing."

In 1968, the Supreme Court struck down an Arkansas law that barred the teaching of evolution, on the ground that it was an establishment of religion. A subsequent Arkansas law that, like the Louisiana statute, required equal time for creation science, was struck down by a federal District Court in 1982. Arkansas did not appeal that case. Reported in: *New York Times*, December 11.

The Supreme Court agreed January 20 to review the authority of public school officials to censor student newspapers that are published through high school journalism classes. The justices will hear an appeal by school officials in Hazelwood, Missouri, a suburb of St. Louis, of a case which began with a lawsuit filed by three former students in 1983 after their high school principal deleted two pages from an issue of the student newspaper. The court will hear arguments in *Hazelwood School District v. Kuhlmeier* in the fall and will probably issue a ruling sometime in 1988.

The suit by the students was originally dismissed by a federal district judge, who ruled that the principal had acted reasonably in barring publication in *The Spectrum* of articles that included discussions by unidentified pregnant students about their sexual activities and pregnancies. But a divided U.S. Court of Appeals for the Eighth Circuit reversed this decision. It ruled that the newspaper enjoyed broad freedom under the First Amendment as a "public forum" intended to be "a conduit for student viewpoint." The appeals court found that school authorities acted unconstitutionally because "the two articles objected to . . . could not reasonably have been forecast to materially disrupt classwork, give rise to substantial disorder or invade the rights of others" (see *Newsletter*, November 1986, p. 227; July 1985, p. 131).

In their appeal to the High Court, Hazelwood school officials supported by the National School Boards Association, urged the justices to clear up "widespread confusion" about the authority of school officials to keep materials out of school newspapers, yearbooks, and other activities.

The Supreme Court has ruled that when a high school provides students with a public forum such as a newspaper, student expression may be curtailed only if it "materially disrupts classwork or involves substantial disorder or invasion of the rights of others." The Hazelwood school officials have argued, however, that *The Spectrum* is not a public forum since it was financed in part by the school and was written and edited for academic credit by students in advanced journalism, often during class time and as part of the curriculum.

The case could affect hundreds of public high school and even public college newspapers that are published as part of journalism programs. Mark Goodman, director of the non-profit Student Press Law Center in Washington, D.C., said at least half the public high school newspapers in the U.S. are produced through journalism classes. Reported in: *New*

*York Times*, January 21; *Wall Street Journal*, January 21; *Washington Times*, January 21.

On January 20, the Supreme Court struck down an Illinois city's ordinance barring all door-to-door soliciting before 9 a.m., after 5 p.m., and on Sundays and holidays, ruling it was a violation of the right to free speech. Without issuing an opinion or allowing full briefing and oral argument, the court voted 6-3 to affirm rulings by federal district and appellate courts that struck down the ordinance in Watseka, Illinois, about 75 miles south of Chicago.

The court's decision in *City of Watseka v. Illinois Public Action Council*, set a binding national precedent, but one that lower courts will be free to interpret narrowly because the court did not explain its reasoning or consider the case worthy of full review. The U.S. Court of Appeals for the Seventh Circuit ruled in the case that the ordinance was overly restrictive of efforts by the Illinois Public Action Council to seek support for its representation of low- and moderate-income people on energy, tax, and development issues.

Justice Byron R. White dissented in a brief opinion joined by Chief Justice William H. Rehnquist and Justice Sandra Day O'Connor. They said the court should have granted full review and suggested the ordinance was valid. Reported in: *New York Times*, January 21; *Wall Street Journal*, January 21.

The Supreme Court let stand January 20 a Washington Supreme Court decision that an injunction banning picketing directly in front of an abortion clinic did not violate the free speech rights of protesters. The court rejected the argument of the anti-abortion group that "by limiting protest to 'down the street and around the corner,' the court ensure it [protesting] would have little impact, thereby enjoining not only coercive activities which may have sporadically occurred, but substantial legitimate protest as well." Reported in: *Washington Times*, January 21.

## fairness doctrine

### Washington, D.C.

On December 16, the U.S. Court of Appeals for the District of Columbia refused to review a ruling that had given the Federal Communications Commission (FCC) wider latitude to change the broadcast industry's "fairness doctrine." The doctrine requires that broadcasters air differing views on controversial issues of public importance, and it has been under attack by a majority of commission members and the broadcast industry.

The court's ruling bolstered the FCC's effort to modify the doctrine without congressional approval. In a related case, however, the commission's general counsel conceded that Congress had made it clear that the FCC should not change the doctrine without its approval.

The decision by the appellate court turned down a request by supporters of the doctrine for a full-court rehearing of

the earlier decision by a three-judge panel that held the doctrine is not mandated by law, but instead may be applied at the discretion of the FCC.

Supporters fell one vote short of majority approval needed to gain the rare "en banc" or full-court rehearing. Although the decision was 5-4 in favor of rehearing, it was one vote short of a majority. Two of the court's eleven justices did not participate in the ruling.

"I am frustrated by this bizarre turn of events," said Andrew Jay Schwartzmann, executive director of the Media Access Project, which sought the rehearing. "Having convinced five of nine judges of the rightness of one's cause, it is very frustrating to discover that we needed six." Schwartzmann said the case would be appealed to the Supreme Court.

Judge Abner J. Mikva, joined by Judge Harry T. Edwards, dissented from the earlier ruling by Judge Robert H. Bork and Supreme Court Justice Antonin Scalia, who was elevated to the High Court after the decision was reached. Judges Spottswood W. Robinson III, Kenneth W. Starr, and Ruth Bader Ginsburg did not join the dissent, but voted to rehear the case. Judges Laurence H. Silberman, James L. Buckley, Stephen L. Williams, and Bork voted against the rehearing. Chief Judge Patricia M. Wald and Judge Douglas H. Ginsburg did not participate.

In his dissent, Judge Mikva said that the previous ruling that the fairness doctrine is not a "binding statutory obligation" is "flatly wrong." He noted that when the Communications Act was amended in 1959, Congress "explicitly approved of, ratified and codified the fairness doctrine." He added, "The primacy of Congress as policy maker should not be blunted or eviscerated by the courts which find either the policy or the policy makers in error." Reported in: *Washington Post*, December 17.

## obscenity

### Hollywood, California

A California Appeals Court ruling upholding the conviction of an adult film producer under state pandering laws was portrayed January 7 as a threat to freedom of expression for mainstream as well as adult film producers. The warning was sounded by Stanley Fleishman, former general counsel of the Adult Film Association of America, and by attorney Stuart Goldfarb, who represented producer Harold Freeman, found guilty of pandering because he hired actors and actresses to perform sex acts in his film, *Caught From Behind—Part II*.

Goldfarb said he would appeal to the California Supreme Court and, if necessary, to the U.S. Supreme Court.

Fleishman said there could be no safe zone for mainstream films and performers if the novel use of the pandering law is not reversed. "It's a misuse of a very severe criminal statute affecting potentially all producers and actors and ac-

resses because the definition of prostitution is so broad and vague and unconfined," Fleishman said. Reported in: *Variety*, January 14.

### **Winston-Salem, North Carolina**

By a 2-1 vote, the North Carolina Court of Appeals ruled December 30 that the state's tough new obscenity and child pornography laws are constitutional, despite "serious questions" raised in an appeal by video rental outlets, adult bookstores, and other businesses (see *Newsletter*, January 1986, p. 17).

Writing for the majority, Justice Clifton E. Johnson acknowledged that the plaintiffs' attack on the law "is replete with serious questions which give us great cause for concern." He concluded, however, that a lower court's judgment allowing enforcement of the laws because of the state's compelling interest in protecting society from the corrupting effects of obscenity and minors from sexual exploitation was valid. Johnson was joined by Judge Jack Cozort.

One of the main arguments against the law was that its provisions against disseminating pornography were unconstitutionally broad. In particular, the plaintiffs argued, the legislature wrongly extended the ban to places that are not public, such as homes.

Johnson, however, wrote that the law could not apply to a person possessing obscene material at home. He drew a distinction between possession and dissemination. But the dissenting opinion by Judge Charles L. Becton argued that the law would indeed allow prosecutors to arrest a man for showing an adult film to his wife at home. "When a statute peers into the bedrooms of married couples, for example, to close over-the-counter *Joy of Sex*-type books or even clearly obscene books, the statute must yield to the Constitution which protects the people from their government," Becton wrote.

Because the decision was not unanimous, the state Supreme Court must hear the appeal. Reported in: *Greenville Daily Reflector*, December 31.

## **church and state**

### **Springfield, Illinois**

A federal judge December 4 permanently barred Illinois lawmakers and other officials from establishing a prayer room in the state Capitol. U.S. District Court Judge Marvin Aspen concluded that state legislation permitting the conversion of a Capitol hearing room violated the First Amendment's Establishment Clause.

In May, 1985, State Rep. Michael Madigan (Dem.-Chicago), speaker of the house, introduced a resolution, which was subsequently adopted, turning the room into a prayer room. But Stephen C. Van Zandt, an Illinois taxpayer and member of the Freedom From Religion Foundation, filed suit against the measure in February 1986.

In a 23-page opinion, Aspen rejected arguments by the state that the room was more in the nature of a secular sanctuary than a religious establishment. "The defendants have offered no legislative history to support this asserted secular purpose and no such purpose can be gleaned from the language of the resolution itself," he wrote.

"The repeated, candid religious references in the body of the resolution," Aspen contended, "signal the legislature's abandonment of any pretensions of neutrality as between religion and nonreligion. From the face of the statute, we can only conclude that the purpose of the legislature in passing the resolution was to endorse a religious presence in the Capitol." Reported in: *Chicago Tribune*, December 6.

## **student rights**

### **Boston, Massachusetts**

A Massachusetts Superior Court judge ruled December 2 that Boston University violated the free speech rights of four students when it threatened to evict them from their dormitories for hanging political banners out their windows. The university said it would consider appealing the ruling, which held that school officials had selectively enforced a policy barring students from posting signs in their windows and could not further enforce it against the students involved.

The school requires students who live in campus housing to sign an agreement not to hang objects from their window except at specified times for signs that promote the university blood drive, candidates for student government, and school teams. The four students, who were the only ones the school has tried to discipline under the policy, displayed a variety of signs in their windows and outside them urging the university to divest itself of its stock holdings in companies that do business in South Africa.

Students who testified said that school officials did not enforce the time limits they set for permitted banners and that many other nonpolitical signs, such as flags and posters for rock groups, were allowed to remain all year long.

Judge Haskell C. Freedman determined that BU was not justified in treating banners that criticized school policy differently from others. He wrote that controversial banners "deserve special protection because of the preferred status of political speech and because of well-established rights of students to speak freely at colleges and universities." Reported in: *New York Times*, December 4.

## **publishing**

### **San Francisco, California**

In a victory for news organizations, the California Supreme Court ruled December 29 that the *New York Times* could not

be held liable for failing to include a book on its weekly list of best-selling books. The court unanimously overturned a ruling by the state Court of Appeal that had permitted author William Peter Blatty to proceed with a damage suit contending that the newspaper had wrongly cost him millions of dollars in prospective earnings by intentionally omitting his book *Legion* from the listing in the summer of 1983.

In a majority opinion, four of the justices agreed that, under the state and federal constitutions, an allegedly injurious statement must specifically refer to or be "of and concerning" the plaintiff. The right to a free press protects a newspaper from suits by someone who is neither criticized nor named in its pages.

"To allow a plaintiff who is not identified, either expressly or by clear implication, to institute such an action poses an unjustifiable threat to society," Justice Stanley Mosk wrote in an opinion joined by Chief Justice Rose Bird, and Justices Cruz Reynoso and Edward A. Panelli. The requirement that the statement at issue specify or clearly implicate the plaintiff, Mosk wrote, "serves to immunize a kind of statement which, though it can cause hurt to an individual, is deemed too important to the vigor and openness of public discourse in a free society to be discouraged."

In a separate opinion, Justice Joseph R. Grodin, joined by Justices Allen E. Broussard and Malcolm M. Lucas, agreed that the suit should be rejected because there was no showing the newspaper intentionally misrepresented its survey of book sales in order to hurt the author financially. But, Grodin argued, the majority went too far and should have permitted such suits when a plaintiff could prove a media defendant knowingly published false information to inflict financial injury. For example, a paper that substituted one of its own books in the listing for a legitimate best-seller should be subject to suit.

Justices Bird, Grodin, and Reynoso, denied confirmation by voters November 6 after a controversial campaign, left office January 5. Reported in: *Los Angeles Times*, December 30.

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

Reclusive author J.D. Salinger—whose *Catcher in the Rye* has long been a leading target of censorship efforts—won an important round January 29 in his own battle to block publication of a biography when the U.S. Court of Appeals for the Second Circuit directed a lower court to issue a preliminary injunction against the book. Salinger filed suit in October to stop Random House from publishing *J.D. Salinger: A Writing Life*, by Ian Hamilton.

Salinger charged that the book quoted or paraphrased, without permission, scores of private letters he wrote over a 25-year period and later copyrighted. The appellate court reversed U.S. District Court Judge Pierre Leval, who threw out Salinger's suit. Reported in: *San Francisco Chronicle*, January 30.

## **rock music**

### **Hollywood, California**

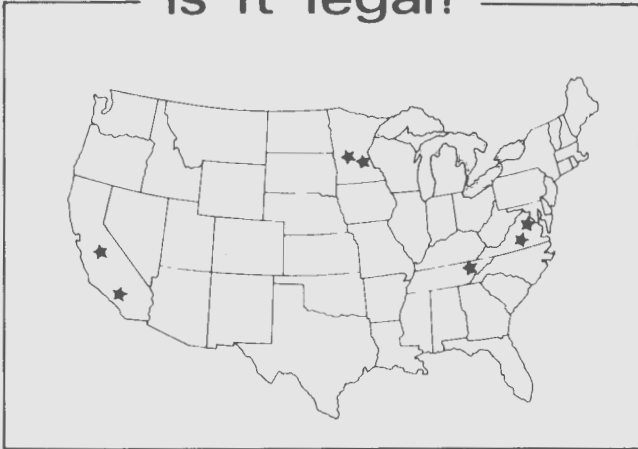
A suit claiming hidden lyrics in one of singer Ozzy Osbourne's songs drove a teenager to commit suicide was dismissed December 19. Los Angeles Superior Court Judge John L. Cole rejected the case, citing the protection of the First Amendment.

The lawsuit, brought by the parents of 19-year-old John McCollum, who shot himself in the head October 26, 1984, contended hidden lyrics in Osbourne's "Suicide Solution" (which the youth apparently listened to prior to his death) should be exempt from constitutional protection. Reported in: *Variety*, December 24.

**SUPPORT  
THE  
FREEDOM  
TO  
READ**



## is it legal?



### access to information

#### Washington, D.C.

The National Security Archive officially opened its doors January 2. But already the research institute and collector of national security information was locked in a sharp dispute with the Reagan administration over questions concerning access to government information.

The Archive charges that the administration is deliberately making it difficult for it to legally obtain declassified government documents. It has filed suit in U.S. District Court charging that government officials are unfairly administering the Freedom of Information Act by refusing to waive fees for the processing of the Archive's requests. The administration asserts that the Archive is trying to, in effect, build a library at government expense.

The National Security Archive was initiated by Scott Armstrong, a former *Washington Post* reporter who is its executive director. In 1984, Armstrong decided to pool his collection of documents on Central America with documents obtained through FoIA by Raymond G. Bonner, a former reporter for the *New York Times*. Armstrong said he later came up with the idea of using his collection as the basis for a larger library that would cover a range of issues and maintain a staff of experts. Some other researchers and reporters donated documents and financing was obtained from the Ford and MacArthur Foundations.

But the Archive has had trouble in part because Armstrong's aggressive use of FoIA in the past—in working on a book on foreign policy issues he filed more than 2,000 requests in five years and repeatedly disputed denials of information. The current conflict centers on whether the Archive should have to pay the cost for processing FoIA requests.

Under current law, such fees are often waived for public interest organizations and the press.

Armstrong charged that assistant attorney general Stephen J. Markman has orchestrated a government-wide denial of fee waivers on Archive requests. "They know that for a non-profit, educational organization like the Archive denials of fee waivers amount to denials of access," he charged. Armstrong said Markman is "basically an ideologue who does not believe in the FoIA."

"It is not a question of openness," countered Markman, who formerly worked for Sen. Orrin Hatch (Rep.-Utah). "The question is whether one individual can use the act for an unanticipated purpose to build up a library at public expense without clear public interest."

Further, in an August speech, Markman suggested that another government concern was that requests filed by the Archive could lead to disclosure of sensitive information. "There will always loom the specter of" such disclosure "as a result of so massive a barrage being aimed at national security agencies," he said.

The final determination will probably turn on the court's interpretation of new provisions of the FoIA due to take effect this spring (see *Newsletter*, January 1987, p. 25). Sen. Hatch has said the new provisions will disqualify the Archive for waivers, but Sen. Patrick Leahy (Dem.-Vermont), also a member of the Judiciary Committee, has said the opposite.

Armstrong is optimistic, but one Congressional staff member predicted the Justice Department "will fight him all the way to the Supreme Court." Reported in: *New York Times*, January 6.

### church and state

#### Fresno, California

Holiday fund-raising signs from the Salvation Army saying "Sharing is caring—God bless you" were removed from Fresno buses November 22 because of the religious reference. Two complaints from citizens led to City Attorney Robert Gabriele's order for the signs' removal. Reported in: *New York Times*, November 23.

#### Santa Ana, California

A legal challenge forced the cancellation of a Hanukkah ceremony in a Santa Ana public park, but a judge allowed the lighting of a menorah outside Los Angeles City Hall. The ACLU had challenged both ceremonies in court, contending that engaging in religious activities on taxpayer-owned property violates the Constitution.

In Santa Ana, the city ordered the removal of a ten-foot plastic menorah from Sasser Park, but a rabbi and others lighted a small tin version. Rabbi David Eliezrie vowed to pursue legal action to have the original menorah returned. The rabbi's attorney, Daniel Spitzer, said the lighting

ceremony was no different than allowing a city Christmas tree to stand just fifty feet from where the menorah was placed.

"We are not challenging the city's right to have a Christmas tree," Spitzer said. "We live in a pluralistic society. We feel if there is a Christmas tree, there is no reason there shouldn't be a Hanukkah menorah."

But the ACLU's Meir Westreich said that a tree is decoration, while the menorah is only a "religious symbol." He said that the ACLU complained to city officials because the menorah would have remained on display in the park after the lighting ceremony. "Then it creates the appearance that this is associated with the owners of the property, who are the public," he said.

Outside Los Angeles City Hall, a fifteen-foot menorah was lit after Superior Court Judge Robert O'Brien ruled that the outer area of the City Hall grounds was a public park where religion could be expressed. Meanwhile, in the City Hall rotunda, a nineteenth century menorah rescued from the Great Synagogue of Katowitz, Poland, during the Holocaust went on display. Superior Court Judge Irving Shimer had ruled that the menorah could be displayed in the rotunda but could not be lighted, because lighting it would constitute a religious ceremony. Reported in: *Washington Post*, December 28.

#### **St. Cloud, Minnesota**

A class on creationism will no longer be taught in St. Cloud public schools, the district's board of education voted December 18. But the teacher who taught the tenth grade unit vowed to bring a proposal before the board in January that would require that creationism be taught at all grade levels whenever the theory of evolution is mentioned.

"I would eventually like to see my curriculum go before a court of law," said Randall Hedtke, who for seventeen years taught the creationism unit along with the theory of evolution in his biology class. He said he would resign if forced to omit the unit next year. "It would violate my professional standards," he said.

Hedtke had proposed that his creationism unit be made standard for the district. After going through several review committees, the proposal came before the St. Cloud Board of Education. Superintendent Ron Jandura recommended that a biology course outline be approved that excluded creationism. Reported in: *St. Paul Pioneer Press*, December 19.

#### **Tazewell, Tennessee**

A Tazewell attorney's effort to end Bible readings during school hours in the Claiborne County Schools has resulted in "threats of physical violence and threats of assassination." But Bill Harrell, a civil rights activist during the 1950s and 1960s, said he would file a lawsuit to end the practice anyway.

"The U.S. Supreme Court has clearly held that Bible

reading in the public schools is unconstitutional," he said. "The school system in Clairborne County has never followed the law. They're determined to hold religious exercises in the public schools."

Harrell objects specifically to women from the Children's Bible Mission, commonly referred to as the "Bible ladies," reading scripture to students during the school day. Additionally, he charged that representatives of Sportsworld Ministries, a lay fellowship group comprised of professional athletes, are also violating the law by mixing religious messages with an anti-drug program they regularly present in the schools.

"The major thrust of their program is a missionary effort to recruit the students. Born-again Christians are what they're trying to make these children," Harrell said. "It's a blatant effort to avoid the law and to avoid the court decisions that say the state must be neutral in matters of religions."

Don Edwards, chair of the Claiborne County Board of Education, said the Bible ladies hold twenty-minute readings once a month in every elementary school in the county. He said the practice had been going on for thirty years. Edwards said that Sportsworld Ministries worked according to guidelines which forbade speakers from talking about anything "God-related." He said the board did not plan to stop either program. He said the board's consensus is that the programs do not violate the law because children are not forced to attend if they or their parents do not want it. Reported in: *Knoxville Journal*, December 13.

## **public broadcasting**

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

Former Federal Communications Commission chair William Henry will head a special nine-member committee to review the program policies of the Public Broadcasting Service. Henry will be joined by eight other people with "an uncompromising dedication to the dispassionate and open-minded assessment of important issues," said PBS president Bruce Christensen.

The panel will review PBS program policies and procedures to determine if they reflect journalistic standards, encourage high quality programming, and provide reasonable access to the schedule for diverse ideas. That mission has been challenged lately in disputes over several programs. Conservative critics especially have called for a content analysis of PBS documentaries (see *Newsletter*, January 1987, p. 24).

The other members of the committee are: Elie Abel, former broadcast and print reporter and dean of the Graduate School of Journalism at Columbia University; Honey Alexander, PBS board member, and trustee of WCET-TV Cookeville, Tenn.; Burnhill Clark, PBS board member and general manager of KCTS-TV Seattle; Katherine Fanning,

editor of the *Christian Science Monitor*; Stephen Greyster, PBS board member and professor of business administration at Harvard Business School; William Kobin, president of KCET-TV Los Angeles; William Sheehan, PBS board member and former president of ABC News who works for the Detroit-based Executive TV Workshop Inc.; and Frederick Taylor, former executive editor of the *Wall Street Journal*. Reported in: *Variety*, December 3.

## obscenity

### St. Paul, Minnesota

Minnesota Attorney General Hubert Humphrey III said his participation in a protest against adult bookstores and theaters in a St. Paul neighborhood January 11 did not mean he wants to shut down businesses dealing in pornography. "We're not saying these businesses don't have a right to exist," he said. "We're just saying that they should be located elsewhere, say in an industrial area far from residential communities. I sure wouldn't want these places . . . where I live." The approximately 100 demonstrators' principal target was the Faust Theater, a peep show complex that has X-rated movies.

"We're not denying anyone their First Amendment rights," Humphrey said. "This protest is an assertion of those rights, the right for a community to protest, to rebuild itself and to be safe for its residents." Reported in: *Minnesota Daily*, January 13.

### Alexandria, Virginia

In a December 9 hearing, two members of the U.S. Court of Appeals for the Fourth Circuit criticized as "outrageous" and "unreasonable" an attempt by U.S. prosecutors in Alexandria to obtain hundreds of sexually explicit tapes from a New York area distributor as part of a grand jury investigation into the dissemination of allegedly obscene materials.

Judges Sam J. Ervin III and J. Dicson Phillips, Jr., suggested that the office of U.S. Attorney Henry Hudson should build its case around the twenty allegedly obscene cassettes seized in mid-October in raids on twelve Washington area videotape rental outlets, rather than issuing subpoenas for as many as 2,500 more tapes from distributors in New York, New Jersey, and California. The grounds for the original seizures were set out in an FBI affidavit that is under seal.

Hudson served as chair of Attorney General Meese's Commission on Pornography before becoming U.S. Attorney for northern Virginia in June. He had previously been a state prosecutor in Arlington, Virginia.

Attorneys for the New York and New Jersey distributors asked the appeals court to quash the subpoenas which asked them to turn over a host of adult films, as well as financial and employee records, to the grand jury. They charged that

the requests were unconstitutionally vague and broad, and violated their rights under the First Amendment.

During the course of the hearing, Ervin repeatedly questioned the government's request, saying at one point it was tantamount to putting the distributors "out of business for a short period of time. It boggles my mind," he said. "Why not proceed with the twenty tapes [already in custody], or forty, or a hundred?" Phillips also criticized the prosecutors' request, saying the court would be unwilling to approve a subpoena whose terms were "absolutely outrageous." The third member of the panel, Judge Harvie Wilkinson III, appeared more sympathetic to the government.

Hudson, who made a reputation as a tough opponent of pornography in Arlington, said the "investigation began before I came in as U.S. attorney . . . [It] was brought to us by local law enforcement officials requesting federal assistance because of the interstate dimension of the operation."

Donald B. Nicholson, a trial lawyer in the general litigation and legal advice section of the Justice Department, said, "It is the department's policy to direct our federal resources to the large-scale multistate distributors, and this investigation in Alexandria is consistent with that." He said similar probes were going on elsewhere, but would not comment on them. "The department has made clear to U.S. attorneys that it wants to see and supports and encourages an aggressive effort in this area," he said.

Last fall, Meese announced the formation of an obscenity prosecution center at the Justice Department and the creation of a new task force of department lawyers to deal with obscenity prosecutions (see *Newsletter*, January 1987, p. 3). Reported in: *Washington Post*, November 29, December 10.

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(FTRF report . . . from page 47)

which could incite students to acts of vandalism against teachers and which contained lewd and vulgar language.

We have also had a major loss. *ALA v. Faurer* (now *ALA v. William Odom*) has been lost at the District Court level. The case concerns the National Security Agency's directive to the George C. Marshall Library, a private library, to reclassify as secret government documents previously declassified and to halt public access to the personal letters of William F. Friedman, a former NSA cryptographer. The suit sought restoration of public access. In ruling in favor of the NSA, the judge said that "while it is true that the disputed documents were part of the public domain for varying lengths of time, public disclosure alone is not a sufficient basis for finding a First Amendment violation where the national security is at stake." This case has been appealed to the U.S. Court of Appeals for the District of Columbia.

Finally, the Foundation is involved as an *amicus* in the case of *Pope v. Illinois*. This case may be the most important obscenity case in recent years. The principle at stake

here is whether the "serious literary, artistic, political or scientific value" of a work—the "third prong" of the three tests set out in *Miller v. California* for judging the obscenity of materials—is to be based on community standards or on objective national standards. Clearly, if the literary, artistic, political or scientific value of a work is to be judged by only local community standards, there is no objective defense against those community efforts at censorship being encouraged by Attorney General Meese.

On Friday (January 16), the Board unanimously voted to change its Bylaws to increase the number of elected Trustees from nine to eleven. This action is a strong and clear message that the Board is committed to open communication and more involvement by its membership.

A final action taken by the Foundation Board was required by the resignation of its legal counsel. The opportunity to reevaluate the expectations of the Foundation toward its legal counsel was a unique and important process. Areas focused on by the Board in its rigorous questioning of firms making presentations included:

- Commitment to First Amendment issues
- Understanding of and strength in dealing with First Amendment issues
- Ability to respond effectively and expeditiously

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## condom ads on the air in SF

San Francisco television station KRON in January became the first major market station in the U.S. to agree to accept commercials for condoms. The station said an agreement was reached after it was approached by a representative of Trojan. The station agreed to donate its portion of ad revenue to AIDS research and will require condom advertisers to make an equal contribution.

"This began when a network reporter contacted our general manager and asked what our policy was," station public affairs coordinator Javier Valencia said. "It had been declared a local matter by the network [NBC]. Since it is very much a San Francisco concern, and is spreading, we decided to set local policy. After that, we were approached by Trojan products."

Valencia said the station had reviewed four sample ads, of which three were deemed acceptable. The three emphasized disease prevention rather than contraception, and one quoted Surgeon General C. Everett Koop endorsing condom use.

Such commercials are the latest and most dramatic development in the media's evolving treatment of human sexuality. Until recently, such products could not even be mentioned, much less advertised on television. "Six months ago, the networks would bleep us if we used the word condom," AIDS epidemiologist Judith Cohen reported. "But more recently, when I went on the *Today* show, it was, 'No problem.'" Reported in: *Wall Street Journal*, January 20.

- And a willingness to do all of this within the Foundation's limited budget.

I am exceptionally pleased to report that the firm of Ennis, Friedman & Bersoff was selected with Bruce J. Ennis to serve as the Foundation legal counsel.

Mr. Ennis has been litigating First Amendment cases for almost two decades, including five years as National Legal Director of the ACLU. He represented all of the intervenor Congressmen in the *Pentagon Papers* case, and represented *Progressive* magazine against the government's effort to restrain publication of an article on the workings of the H-bomb. Mr. Ennis was co-counsel on *Board of Education v. Pico*, lead counsel in the successful challenge to the Arkansas "creation science" law, and represented the ALA, among others, in the suit to restore the braille publication of *Playboy*. Among the extraordinarily numerous *amicus curiae* briefs he has filed with the Supreme Court, are two of particular interest—in *Meese v. Keene* and in *Pope v. Illinois*. The Foundation feels exceptionally fortunate to have secured such counsel.

In closing, I would like to thank the thirteen members of the Board and the twenty-seven ALA liaison representatives for their support, involvement and advice. In an age of disinformation and the Aryan Brotherhood, they are truly committed to keeping the fragile dream alive.

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## IF award to David Cohen

David Cohen, Adjunct Professor, Queens College Graduate School of Library and Information Science, was the 1986 recipient of the New York Library Association/Social Issues Resources Series (NYLA/SIRS) Intellectual Freedom Award. The presentation was made by Ruth A. Fraley, NYLA President, at a special luncheon in his honor during the 1986 NYLA Conference held in Rochester, New York.

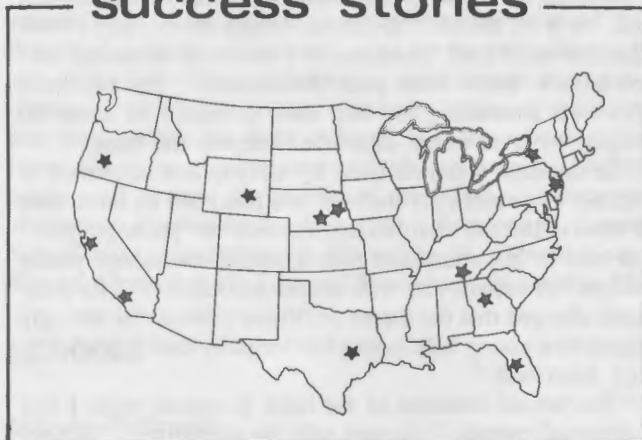
David Cohen was sited for his unflinching devotion to the cause of intellectual freedom marked by remarkable duration, exceptional range, and outstanding merit. His activities on behalf of the American Library Association, the New York Library Association, the American Civil Liberties Union, the Long Island School Media Association, and the Long Island Coalition Against Censorship, have helped to alert and educate his colleagues and the general public to the dangers of censorship and other threats to civil liberties.

Furthermore, he has served as teacher, mentor, and friend to many both in and outside the library profession, sharing generously the wealth of his knowledge and the insight that is the product of long experience filtered by intelligence and compassion, and providing the inspiration needed to continue the ongoing battle to preserve First Amendment rights.

The award consists of a check for \$500 to the winner, a second check for \$500 to the library institution of the winner's choice, a plaque, and conference expenses.



## success stories



### libraries

#### Long Beach, California

When Long Beach elementary school pupils returned to class after winter break, a short filmstrip detailing the plot of a fifth-grade novel about the occult was back on their school library shelves. During a final meeting with a group of fundamentalist parents who complained that the film promotes witchcraft, Superintendent Tom Giugni affirmed his November 12 ruling that the filmstrip illustrating *The Headless Cupid*, by Silpha Keatley Snyder, would return January 5. It had been temporarily removed in September after parent Donna Voetee complained that her daughter, then at Jane Addams Elementary School, was frightened of the strip because it taught witchcraft (see *Newsletter*, January 1987, p. 9).

Voetee later removed her two children from school and announced she would teach them at home because the public schools promote "humanism and witchcraft." After the meeting with Giugni, Voetee told reporters "there are lots more problems in the public schools than this little *Cupid* issue. The more I read, the more I get enlightened and the madder I get. If I was totally happy I would have my children back in school."

Giugni said the parents' complaints would not prompt him to alter textbook selection procedures, but "it will kind of put us on our toes to be more careful than we already are. This has really been a fascinating few months." Reported in: *Long Beach Press-Telegram*, November 13, December 19.

#### Gwinnett County, Georgia

On December 18, a media committee at a Gwinnett County elementary school unanimously rejected a request to remove a book of poetry from the school library. Lawrenceville parent Sandra Wilson had requested the removal from the Benfield Elementary school library of *Remember Me When This You See*, by Lillian Morrison. She charged that a line from the book—"Don't make love in a potato field/potatoes have eyes"—was objectionable. Informed of the decision, Wilson said she would not appeal. "The damage has been done to my daughter," she said. "I was just thinking about the other children."

Wilson's petition was one of four filed last Fall seeking the removal or restriction of library books in the Gwinnett public schools. Other books being challenged are: *Jaws*, by Peter Benchley, because of obscene language; *Running Loose*, by Chris Crutcher, because of its discussion of sex; and *Rainbow Jordan*, by Alice Childress, because of foul language and sexual references.

The challenges were individual efforts by parents who say they are not affiliated with a group led by Duluth mother Theresa Wilson which in 1985 persuaded the board of education to remove *Deenie*, by Judy Blume, from elementary school libraries, beginning a major school censorship controversy in the county. Despite the removal of *Deenie*, the school board and local media committees have since resisted other efforts to remove books. The board refused a proposal to create a restricted shelf later in 1985, and the next year declined to remove *Go Ask Alice* from high school libraries. In 1985, Beaver Ridge Elementary School's media committee refused to remove *Confessions of an Only Child*, by Norma Klein, from its library (see *Newsletter*, November 1985, p. 193; January 1986, p. 8; March 1986, p. 57; July 1986, pp. 117, 135; September 1986, p. 151; January 1987, p. 32). Reported in: *Atlanta Journal*, December 18, 19.

#### Lambertville, New Jersey

The West Amwell Board of Education voted unanimously November 13 to uphold a committee recommendation denying a parent's attempt to remove a book from school libraries. *The Amazing Bone*, by William Steig, features a number of pipe-smoking creatures, as well as a tobacco-chewing wolf, several of whom hold up a pig at gun point to rob her of a bone. Asked, in the book, why the wolf did such things, he replied, "I can't help being the way I am." The parent objected to the use of tobacco by the animals and to the wolf's reply, which the parent underlined in ink.

The board not only voted to keep the book in the library, but decided that the parent should either volunteer or be compelled to pay to replace the "defaced" volume. District Superintendent Tony DeCanzio said any parent may ask for a review of any book in school libraries, but doesn't have the right to censor." He pointed out that students are in-

structed not to write in school books, and that having a parent do so was inexcusable.

"Just because you are insecure about a book doesn't mean someone else shouldn't be allowed to read it," board member Judy Lavery added. Reported in: *Lambertville Beacon-Record*, November 19.

### **Boring, Oregon**

The Boring School Board was expected to go along with a district book review committee decision to keep *In the Rabbit's Garden*, by Leo Lionni, in the Naas Elementary School library. Wayne Poteet, a parent who asked for the book's removal after it was checked out by his second grade son, said the fantasy about two rabbits living in a lush garden paradise who must face the consequences of eating fruit forbidden to them made a mockery of the Bible's tale of Adam and Eve.

"When I saw that cover I knew it was meant to be the Garden of Eden, and when I read the book I knew it was the story of Adam and Eve with an alarming twist," Poteet said. "The author has taken an event out of the Bible and has made a satire out of it. There are so many other good stories children my son's age can enjoy; a book like this should be removed from the library."

Unlike the story of Adam and Eve where the couple is punished for disobeying God's will, Lionni rewards his bunnies for eating the forbidden fruit by allowing them to live happily ever after without punishment.

Clarice Moss, one of five people who served on the review committee, agreed that the story paralleled that of Adam and Eve, but said that removal of the book would violate individual rights and the district's review policy. The policy commits the district to making available an assortment of books with the widest diversity of views. The policy also says the district does not need to endorse every political or moral view contained in library books and that it is the district's obligation to contest the activities of those who try to impose their views on others by restricting the content of books on library shelves.

The review committee included the Boring Superintendent of Schools, the Upper Grade School principal, and a school librarian. Poteet said he was disappointed but not surprised by the committee's ruling and expected the board to follow its recommendation. "I feel the whole thing has been sort of fruitless because I know how the board is going to view this whole issue," he said. Reported in: *Portland Oregonian*, November 23.

### **Wright, Wyoming**

An effort to remove the Judy Blume novel *Forever* from Campbell County school libraries failed December 17 when a school district committee voted to keep the book on library shelves. The Campbell County School Reconsideration Committee voted 9-3 to retain the controversial young adult novel in junior and senior high school libraries.

Speaking for the majority, committee member Helen Fitch said, "It is for the child to choose. I think democracy, I think Christianity, I think education is a matter of choosing, and you have to know what your choices are." The two-hour afternoon committee meeting drew a crowd of about 80 people, most of whom supported keeping the book.

The decision was prompted by a complaint submitted in October by parent Carl Burnell, and endorsed by more than 35 others. Burnell charged that *Forever* is "pornographic" and said in his complaint that it would encourage young readers "to experiment with sexual encounters." His complaint charged that the theme of Blume's novel "is strongly related to a young lady losing her virginity and is grafically [sic] described."

"The sexual outcome of the book is against what I feel is personal morals," Burnell told the committee. "It condones premarital sex in every way. The only thing it leaves out is pictures, and the way they go into some of this detail, you don't even need pictures. If that is educational, there's something wrong with the education system."

"We're not looking for any kind of censorship," Burnell continued. "I don't want to tell parents what their child can read." He said that he sought "a little more screening of the material that goes into the public school library."

In a previous interview, however, Burnell told a reporter that after discovering *Forever* he began a search for other "moral-less, suggestive" books. "We're not after just the one, we want them all. If there's more books like that in there, I say get them out of there."

While six people spoke to the reconsideration committee in support of Burnell, 41 signed up to oppose the book's removal, "I think the book is about growing up, making difficult choices" and learning to accept responsibility, Elena Black, library media specialist at Wright Junior-Senior High School testified. *Forever*, she said, "meets the needs of many of our students."

"I believe emphatically that this is a form of censorship," added Wright High student Eric Munn. "As soon as a certain person says I want this book banned they are in effect taking away both my parents' rights to educate me and my right as a student to free information and a complete education."

Charles Levendosky, editorial page editor of the *Casper Star-Tribune*, said, "I think the most important issue here is not the issue of the selection of Judy Blume's book nor the views about what the book means. I think the issue here, the central issue, is whether a parent has the right to limit other children's right to read a book." Levendosky commended Burnell's concern about his children's reading, but continued, "Mr. Burnell has no right to limit the reading of my children or your children. It is at this juncture that Mr. Burnell becomes a censor."

In a letter submitted to the Reconsideration Committee, Debbie Proctor, library media specialist in Gillette, offered the protesting parents an alternative solution: "I would en-

courage the group to take more positive action. They can submit a list of books that more reflect their view of the themes of maturity and growth, send the list to the librarian and ask that these books be considered for purchase. . . . Rather than depriving some people of materials they feel suitable for their children, a group who has different views on maturity and growth can help the library media staff to meet the criteria of providing a wide range of views on these topics for their child." Reported in: *Casper Star-Tribune*, November 22, December 18; *Gillette News-Record*, December 18; *Laramie Boomerang*, November 23.

## **schools**

### **Lincoln, Nebraska**

The Lincoln Board of Education voted unanimously January 13 to keep the Newberry Award-winning *Bridge to Tarabithia*, by Katherine Paterson, on the sixth-grade recommended reading list. Parents Virgil and Barbara Olson had asked that students no longer be assigned to read the book because it contained what they called profanity, including the phrase "Oh, Lord" or "Lord" used as an expletive.

The Olsons also asked the school district to change its policy for selecting instructional materials "to prohibit the use of materials containing profanity (a) without prior notification of parents, and (b) when alternative material is available that can be used to achieve the intended instructional objectives." Current policy states that materials containing profanity "shall not be disqualified automatically, but shall be subjected to a test of merit and suitability." The Olsons complained that "the 'test' is not defined and there is no provision to ensure parents the right to exercise their discretion. . . ."

The Olsons both have master's degrees in education and previously taught in the Lincoln public schools. They stressed that they were not asking that the book be removed from school libraries, nor had they suggested any changes in library selection policy.

The couple first learned about the book, they said, when their 12-year-old daughter brought it home and told them she had been assigned to read it. At the parents' request, the teacher gave an alternative assignment, but the Olsons asked that the book be removed. The request was denied by the district's associate superintendent for instruction, and the couple appealed to the school board.

To support their position, the Olsons collected signatures from seventy parents on a petition urging removal of *Bridge to Tarabithia*. They cited several examples of allegedly profane or inappropriate language, including "lord," "damn," "snotty," and expressions such as "shut up" and "shut your mouth" used in anger. They also objected to sexual

references to "huge bossy bosomy girls" and to "hanging around the girls' room as though he was some kind of pervert."

In a newspaper article supporting their position, the Olsons wrote that "parents must be first to accept the responsibility for their children's values. This does not mean public education is without significant influence and free to intrude on or undermine those values. . . . Freedom of speech was not intended to guarantee schools the right to intrude on traditional family values without warning and regardless of the availability of non-offensive alternatives. . . . Censorship? Call it that if you wish. What is absurd is to suggest schools and teachers do not or should not exercise censorship in all areas of public education. It simply comes down to where and how the line is drawn. . . . Our effort is to insure that parents have the opportunity to apply their own discretion when material containing profanity is used. Until that is insured by school policy, the book should be taken off the list."

At the board meeting, four people spoke in favor of the book. Bob Rogge, president of the Lincoln Education Association, said *Tarabithia* helps "children learn that feelings are universal, and that there are appropriate and inappropriate ways of handling them." *Bridge to Tarabithia* deals with the friendship between a middle class girl and a boy from a poor family, and about his feelings of guilt and anger when she drowns in a flooded stream. "You must not remove this opportunity to experience good literature from the children of Lincoln," Rogge told the board.

Board member Dave Myers, who chaired a committee that reviewed the issue, told the board: "Great care must be used not to abandon quality works of literature that may offend individual patrons. The committee believes that the rights of individuals are adequately protected by the system's policy of providing reasonable alternatives when instruction conflicts with espoused values of family and home." Reported in: *Lincoln Star*, December 18, 19, January 13; *Lincoln Journal*, December 18, January 14.

### **Omaha, Nebraska**

Shel Silverstein's book of poems, *A Light in the Attic*, will continue to be available to elementary school pupils in the Papillion-LaVista School District. The school board voted unanimously December 4 to uphold a review committee's decision to reject a complaint filed by a group of parents in September (see *Newsletter*, January 1987, p. 12).

The parents had asked that the book not be read without parental permission. They said the book promotes behavior abusive to women and children, suicide as a way to manipulate parents, mockery of God, and selfish and disrespectful behavior. Imogene Biers of Voice of In-

formed Parents, who filed the complaint, told the board that Silverstein had written for *Playboy* magazine and that "the attitudes in this adult material have fallen into his children's books." She pointed out several poems and illustrations that she said had sexual undertones or references to child abuse, cannibalism, and suicide.

Biers was supported by Dr. Larry Banta, a psychiatrist at Creighton University, who said the book attacked the sanctity of human life, promoted selfishness, and made reference to rape, sex, and child abuse. "I deal with abused children and I knew some of the terms used in the book without reading the complaint. It tells children who might be abused that it's OK what my parents do to me."

But Susan Walker, children's librarian at the Papillion Public Library, told the board children think Silverstein's poems are "silly, not pornographic. We don't have to search for hidden meanings."

Dr. Michael Moran, chair of the board's curriculum committee, said he tried hard to see what the parents' groups said it saw, but "didn't come close." He said he thought the book depicted typical childhood fantasies and showed them to be normal. Reported in: *Omaha World-Herald*, December 5.

#### **Buffalo, New York**

After 3½ hours of testimony from nearly 70 people, the Buffalo Board of Education voted 6-2 December 10 in favor of using a controversial family life textbook and teacher's guide proposed for a new ninth grade curriculum. At a previous meeting November 19, board member James W. Comerford, Jr., charged that *Family Matters: Concepts in Marriage and Personal Relationships* and a companion teaching guide promote "secular humanism." The board agreed at that time to withdraw the books from an approved textbook list pending a more thorough review of their contents.

"I'm not trying to impose my beliefs on anyone else," Comerford said. "It's just that some people think secular humanism is a religion, and I want to know why humanists are being quoted in these books." In particular, Comerford objected to references in the materials to the psychological theories of Erik Erikson, Sigmund Freud, Abraham Maslow, and Jean Piaget. He said he liked the way *Family Matters* treated such topics as drug abuse and teenage pregnancy, but was uncomfortable with its handling of divorce.

Following the board's decision to postpone approval of the books, Buffalo Common Council member David Franczyk sponsored a resolution declaring Council support "for a School Board which has a respect for religious faith, but will not succumb to the obscurantism and anti-intellectualism which has recently surfaced." Franczyk said the board was right to listen to Comerford's concerns, but wrong to remove the books, even temporarily.

Although the board ultimately rejected Comerford's re-

quest, school superintendent Eugene T. Reville praised him for "ensuring that parents will be more involved in the future." He said he would recommend to the board a specific procedure for parents to raise complaints about instructional materials in the future. Reported in: *Buffalo News*, November 20, 21, 22, December 11.

#### **Knoxville, Tennessee**

Informed that the American Civil Liberties Union was about to ask the Knox County and Knoxville School Systems to halt the practice, the Gideons International informed the schools December 19 that it would no longer distribute complimentary Bibles to fifth grade students during school hours.

"I don't think it's fair," Knox County Superintendent Earl Hoffmeister said of the ACLU's complaints. "There's a lot of good things that come about because of it. You don't have to take them if you don't want them." According to Hoffmeister, the distribution had gone on for several years. The Gideons were not allowed to make presentations during instructional time or pressure students to pick up a Bible. Instead, the books were made available in common areas or principals' offices.

However, Hedy Weinberg, executive director of the ACLU of Tennessee, noted that a U.S. District Court in Iowa ruled last year that any distribution of Bibles in public schools was unconstitutional, regardless of whether or not students are pressured to accept the material. "I'm really delighted they have decided to stop the distribution," she said. Reported in: *Knoxville News-Sentinel*, December 20.

### **student press**

#### **Newark, California**

Two students won a battle over censorship in the Newark Memorial High School newspaper last November when school officials rescinded a policy prohibiting publication of articles critical of teachers. An editorial by senior Gilbert Valtierra, calling for higher substitute-teacher pay to attract better substitutes, was cleared for publication. The article had previously been banned from the *Cougar Times* by journalism adviser Bruce Wasser and Principal Kaz Mori because they believed it would hurt staff morale and promote student defiance.

Valtierra and editorial page editor Joe Garcia publicized their concerns in a local newspaper. An attorney for the California Newspaper Publishers Association then informed the school that it cannot legally ban an article simply because it might foster bad attitudes. Wasser agreed to drop the restriction, but suspended Garcia for two issues because he had taken the article to the local paper without first notifying the *Cougar Times* staff. Valtierra, a staff reporter, was also chastised.

"The kids involved were reprimanded for the techniques



they used," Wasser said. "There were some minor sanctions which they accepted with characteristic grace and dignity." Valtierra said the punishments and actual publication of the article were secondary to the issue involved. "Now we're able to write the things we want without them saying, 'No, we don't like it.'" Reported in: *Fremont Argus*, November 18.

### Bradenton, Florida

Manatee High School student journalists fighting their principal's attempt to censor an editorial scored an apparent victory December 5. At issue was a survey of 35 teachers and 200 students that asked what they thought about the school's two libraries. After some teachers complained that questions on the survey were biased, Principal Wesley Choate asked Rachel Hall, editor of *The Macohi*, to speak with him before publication. Choate wanted to keep the paper from running an editorial based on the survey results.

"I did not have a problem with the students conducting a survey," Choate said. "I had a problem with the way it was conducted. Some of the questions were phrased in such a negative way that a negative response was more than likely." Choate said he told *The Macohi* not to publish the survey because he thought it would prompt comments from teachers that might "attack the professional credibility" of the librarians.

Hall quickly responded that she would publish the editorial and survey results anyway. "We just can't allow this kind of censorship," she said. "We have to preserve the rights of this newspaper." Hall was supported by English teacher Linda Kinnan, faculty adviser to the newspaper, who said it was not her policy to censor the paper.

The dispute ended when Choate, Hall, and Kinnan agreed to a compromise in which the paper agreed to publish the editorial and excerpts from the survey results along with any rebuttal the library staff might submit. "I have given the word for this thing to go through," Choate said. "The only thing that I have asked is that the teachers who are being criticized be allowed to see the results of the survey."

Choate initially told the editors that he wanted to approve any future surveys, but later said he would not impose such a requirement. According to School Superintendent Gene Witt, the school board has to set policy regarding the rights of school administrators and the rights of student journalists. "So far, that really hasn't been a problem," he said. Reported in: *Bradenton Herald*, December 6; *Sarasota Herald-Tribune*, December 5, 6.

### Bryan, Texas

Karl Evans is a student at the University of Southern California, but two years ago when he was a junior at Bryan High School he published the first issue of *Twisted Times*, an underground newspaper. After six issues had been distributed, he and two friends were suspended by ad-

ministrators for violating a school district policy requiring pre-distribution review by the school principal, who could censor articles deemed disruptive.

Evans' parents tried unsuccessfully to have the suspension overturned by the school board and the Texas Education Agency. Then, on December 8, the Texas Civil Liberties Union filed suit against the school district and got a ten-day restraining order allowing revival of the paper. With the help of his younger sister, Veronica, Evans turned out a new issue of the paper. Shortly thereafter Texas District Judge Harley Clark made the order permanent, pending resolution of the suit.

Under Clark's order student publications must be submitted for review by the school principal for approval, but can be banned only if they contain lewd or obscene material or advocate illegal action or disobedience to school policy. "We're not looking for something that's going to cause total chaos," Evans said. "We don't want total anarchy. This new ruling is just fine with us. It gave us exactly what we were looking for—a temporary set of rules that will allow the students to publish and also give the administration a chance to keep disruptions from occurring." Reported in: *Houston Chronicle*, December 14.

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### adult mags return to Wisconsin union

A newly constituted council at the University of Wisconsin-Madison student union voted unanimously November 12 to resume sales of *Playboy*, *Playgirl* and *Penthouse* magazines at two union stores. The council, made up of students, faculty and staff, has had a complete turnover of membership since May, 1985, when it voted 6-5 to pull the three magazines off union newsstands because they were alleged to be demeaning to women. The new vote gave the go ahead for continued sales of the magazines—along with others that were discontinued while the magazine sales policy was in flux during the preceding year.

The original ban on the three magazines lasted for six months, until Chancellor Irving Shain said the policy amounted to censorship. The three magazines went back on sale, but in May, 1986, the council voted to sell only weekly periodicals, effectively excluding the three publications as well as many others (see *Newsletter*, January 1986, p. 6; July 1986, p. 123). Shain first accepted the action, but in July he ordered the magazines to be put back on sale again.

In September, the three magazines went back on sale, but behind the counter. The November vote put *Playboy*, *Penthouse*, and *Playgirl* back on open racks. "We felt we were going around the issue instead of facing it," said Janell Munson, a student council vice president. "The issue is, 'Do we want to sell *Playboy*' . . . We decided, 'Yes.'" Reported in: *Madison Capital Times*, November 14.



nationals to have an export license to access commercial data bases. In addition, the data base proprietors might be required to install software to monitor who was using what information. Such efforts, of course, are instituted to make it difficult for the Soviet bloc to gather the information contained in the data banks.

In response to this threat and the actual limitations imposed by the Poindexter memorandum, the Intellectual Freedom Committee adopted the "Resolution on 'National Policy on Protection of Sensitive, but Unclassified Information in Federal Government Telecommunications and Automated Information Systems.'" (The resolution was adopted by Council on January 21, 1987).

Using yet another avenue to limit the availability of information, the administration recommended massive changes in the Freedom of Information Act (FoIA). While the 99th Congress set aside all major proposals to amend the FoIA, in the headlong rush of its closing days, a major amendment to the FoIA was tacked onto the omnibus drug control bill, the Anti-Drug Abuse Act of 1986. The amendment, presented by Senator Orrin Hatch (R-Utah), passed without hearings or press coverage. It exempts from release under the FoIA some records of law enforcement agencies, including certain files of the Federal Bureau of Investigation pertaining to foreign intelligence, counter-intelligence, and "international terrorism."

The amendment also included some changes in fee and waiver provisions, which constituted an effort to undo the Department of Justice's 1983 guidelines. Under the new provisions, fees are generally limited in the case of news media and writers, and waivers are provided for "public interest" FoIA requests. At year's end, there was substantial confusion as to what these amendments mean, confusion compounded by the fact that enforcement of the FoIA can be "whimsical."

In November, the General Accounting Office made public its latest report to Congress on *Information and Personnel Security: Data on Employees Affected By Federal Security Programs*. The report made clear that prepublication review is alive and well—and being used extensively.

Prepublication review requires any government employee, current or past, with any level of security clearance, to obtain permission from the government before publishing material that could even possibly refer to intelligence data. Prepublication orders apply to everything federal employees write for the general reading public, including newspaper and magazine articles, books, lectures, and even fiction. In short, employees are urged to submit for review everything that might contain information garnered during one's federal government service.

Finally, I must report to you on the governmental action that may have the most disruptive effect on libraries, the Attorney General's Commission on Pornography.

On July 9, 1986, the Commission on Pornography finally issued its Report. A month later, on August 9, the ALA Intellectual Freedom Committee met in Chicago to review the Report and to identify the implications, if any, for libraries and librarians. The meeting resulted in the preparation and issuance of an "Advisory Statement on the Report of the Attorney General's Commission on Pornography." You have probably seen this Advisory since it was published in full in the September 1986 issue of *American Libraries*.

Apart from governmental actions to limit access, the Intellectual Freedom Committee has noted a marked increase in intolerance for the diversity of opinion and information crucial to a pluralistic society such as ours. Incidents reflecting the rising tide of ideological intolerance are reported regularly in the *Newsletter on Intellectual Freedom* and the Committee strongly urges your attention—and subscription to this publication. ALA's Office for Intellectual Freedom is continuing to compile information on censorship incidents attributable to the effects of the Attorney General's Commission on Pornography and this Committee will continue its efforts, on behalf of the American Library Association, to combat these challenges.

### **Resolution On "National Policy On Protection of Sensitive, But Unclassified Information In Federal Government Telecommunications and Automated Information Systems"**

WHEREAS On October 29, 1986, the President's National Security Adviser issued an extremely broad new designation "sensitive but unclassified information" and directed federal government agencies to implement it, and

WHEREAS On November 11, 1986, a senior Department of Defense official stated that privately owned unclassified electronic data bases would be reviewed for "sensitive but unclassified information" and the access to these data bases may be restricted or systems installed to monitor who uses them, and

WHEREAS Over the last few months, representatives from the Department of Defense, Central Intelligence Agency and Federal Bureau of Investigation have been visiting private information companies to ask questions about who is using their information and for what purposes, and,

WHEREAS The institution of this new policy will restrict access to unclassified government and private sector information that has been easily and legally obtained by the public through libraries, and

WHEREAS This Executive Branch Policy conflicts with American Library Association policy #53.4, Governmental

Intimidation, an interpretation of the *Library Bill of Rights*: "The American Library Association opposes any use of government prerogatives which leads to the intimidation of the individual or the citizenry from the exercise of free expression," and

WHEREAS This Executive Branch Policy conflicts with American Library Association Policies regarding ready and equal access to government information, specifically:

Priority Area A. Access to information, in the American Library Association Priorities and Goals: "1) All individuals have equal access to libraries and information services," and "3) Government information in widely and easily available," and

WHEREAS The American Library Association policy #53.1, *Library Bill of Rights* states: "3) Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment," and "5) A person's right to use a library should not be denied or abridged because of origin, age, background, or views;" now, therefore, be it.

RESOLVED That the American Library Association

1. Seek to have the "National Policy on Protection of Sensitive, But Unclassified Information In Federal Government Telecommunications and Automated Information Systems" repealed or rescinded;
2. Cooperate with other organizations to challenge the implementation of this policy, and;
3. Request the Freedom to Read Foundation to be alert to an appropriate opportunity to challenge the legality of this Policy.

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(censorship dateline . . . from page 56)

The move calls on Canadian broadcasters to eliminate portrayals of women as sexual playthings or just as homebodies. It does not affect imported programming, mainly from the U.S. The commission also ordered advertisers to follow the same rules and decreed that standards now applied by the Canadian Association of Broadcasters be extended to non-association members. The association guidelines call for equitable treatment of women and men and "visibility and involvement of women in broadcasting on and off the air." Reported in: *Variety*, December 24.

#### Dublin, Ireland; Sydney, Australia

Ireland's High Court rejected a bid by the British government to bar distribution in Ireland of a book written by a former British security official about her World War II intelligence exploits. The ruling was one of two setbacks

December 2 to Prime Minister Margaret Thatcher's efforts to prevent such books, already suppressed in Britain, from being published overseas. In a case involving another book in Australia, a Sydney judge turned down Britain's request to deny defense attorneys access to secret documents.

The Irish case began when British Attorney General Michael Havers won a temporary injunction against continued Irish distribution of *One Girl's War*, by Joan Miller. After British publishers were warned not to publish the book, agents for Miller, who died in 1984, published it in Ireland. When copies made their way to Britain, the government obtained an injunction against its distribution there and sought the same restriction in Ireland.

High Court Justice Mella Carroll ruled, however, that the Irish constitution guarantees freedom of expression, subject to conditions of Ireland's "public order and morality." She said the Miller book appeared to violate neither, and decided to put *One Girl's War* back into bookstores. Carroll noted that the plaintiff was a "foreign government" whose concerns did not affect Ireland's laws, a ruling that seemed to permit Irish publication of similar books by Britons banned at home.

Obtaining a ruling that would prevent security officers from writing about their experiences was also a major British concern in the Australian case. There, Britain sought a permanent ban on an unpublished book by Peter Wright, a retired director of internal counterespionage for MI5, the British intelligence agency. Wright now lives in Australia. He has alleged that Roger Hollis, MI5 chief in the 1960s, was a Soviet agent.

Wright's defense attorneys have argued that at least two books by journalists published in Britain without objection from the government contained much of the same information the Thatcher administration wants now to keep under wraps. Wright was revealed in court as a principal source for at least one of the books, published in 1981. To prove its case, the defense asked for certain British intelligence documents related to the 1981 book to be introduced as evidence. Britain resisted, but the Australian judge read the documents and ordered that Wright and his attorneys be given access to them.

The Wright case has attracted considerable attention in Britain, with Labor Party leader Neil Kinnock demanding daily that Thatcher respond to the courtroom allegations. Wright's book reportedly contains an account of surveillance of Labor prime minister Harold Wilson during his term of office. According to some reports, the surveillance was instigated or assisted by U.S. intelligence agencies, which suspected Wilson of pro-Soviet sympathies.

Most of the information in both books has previously been revealed, but in both the Irish and Australian courts, the British government claimed the books would damage the country's secret service, whose officers have a "lifelong duty" not to publish anything at all about the security agencies. Reported in: *Washington Post*, December 3.

### Tel Aviv, Israel

The government censorship board on December 1 banned a futuristic play that portrays Israel as a repressive theocracy. The chair of the 25-member board, Yehoshua Yustman, said the satire, *The Last Secular Jew*, is anti-Semitic and could "sow hatred toward Jews in general." But the author, Shmuel Hasfari, said the ban was proof that his grim view of the Israeli future was already coming to pass.

The censorship board, a 60-year-old remnant of British rule, reviews all plays and films shown in Israel, but it normally does little more than snip out allegedly hard core pornography and excessive violence. In 1985, however, the board banned a play for criticizing the Israeli occupation of the West Bank and the treatment of Palestinians there.

"This body called the censor has no place in a democratic state, and the time has come to act to dismantle it," said Ilan Ronen, art director of the Cameri Theater, which was to have staged the play. Ronen said the theater would appeal the decision to the Supreme Court.

In a related controversy, religious circles were trying to block another production, by the Youth Theater, of a new play, *Ahlan Street*, by Daniela Carmi, which puts mixed marriages between Jews and non-Jews in a positive light. Since the Youth Theater is financed by government funds and its plays are produced for school children, the conflict has been especially inflammatory. Reported in: *Washington Post*, December 8; *Variety*, December 17.

### Peshawar, Pakistan

About 2,500 angry fundamentalist Moslems ransacked and burned the offices of the English-language newspaper *Frontier Post* January 12 to protest publication of a painting of Adam and Eve clad in fig leaves. A representative of the leftist newspaper said the crowd swarmed into the building yelling, "This is a newspaper of the enemy. We will destroy it." The painting by the medieval master Luca Cranach accompanied an article discussing the fear of knowledge. Reported in: *New York Daily News*, January 13.

### Asuncion, Paraguay

Government-supported censors in December stepped up their campaign to force one of Paraguay's most outspoken radio stations off the air. Since early December, whenever the station—Radio Nanduti—has broadcast advertising, a "phantom" transmitter has jammed the airwaves with Christmas music, according to Humberto Rubin, the station's owner. The phantom transmitter began operating in May, when it started interfering with news programming and talk shows. Appeals for legal action to stop the jamming were cut short by the court's ruling that it was powerless to act because no one had claimed responsibility for the intervention.

Under the military regime of Gen. Alfredo Stroessner, who has ruled Paraguay for 32 years, the media have traditionally

exercised heavy self-censorship. Radio Nanduti's problems began after it started broadcasting programs with a political and social emphasis, sometimes even featuring opposition politicians.

Problems started in 1983 as the radio station became bolder and its audience began to grow. Stroessner's press secretary issued a list of politicians and topics that could not go on the air. The government later closed the station for thirty days.

In April, about a hundred ruling Colorado Party members stoned the station and shouted death threats. The police arrived after the mob dispersed. In May, a daily radio program broadcast by the government said that Radio Nanduti advertisers were "financiers of subversion." Since then almost 40 percent of the advertisers have withdrawn their business.

Though on the verge of financial ruin, Rubin insists he will continue. "We will keep selling things until we are down to a microphone and a transmitter," he said. Reported in: *Christian Science Monitor*, December 31.

### Moscow, U.S.S.R.

The Tass press agency said January 7 that a commission had been formed to review the works of Boris Pasternak, and Radio Moscow made the first public reference to the late author of *Doctor Zhivago* as a winner of the Nobel Prize for literature. A leading cultural official also hinted that *Zhivago* might at long last be published in the Soviet Union.

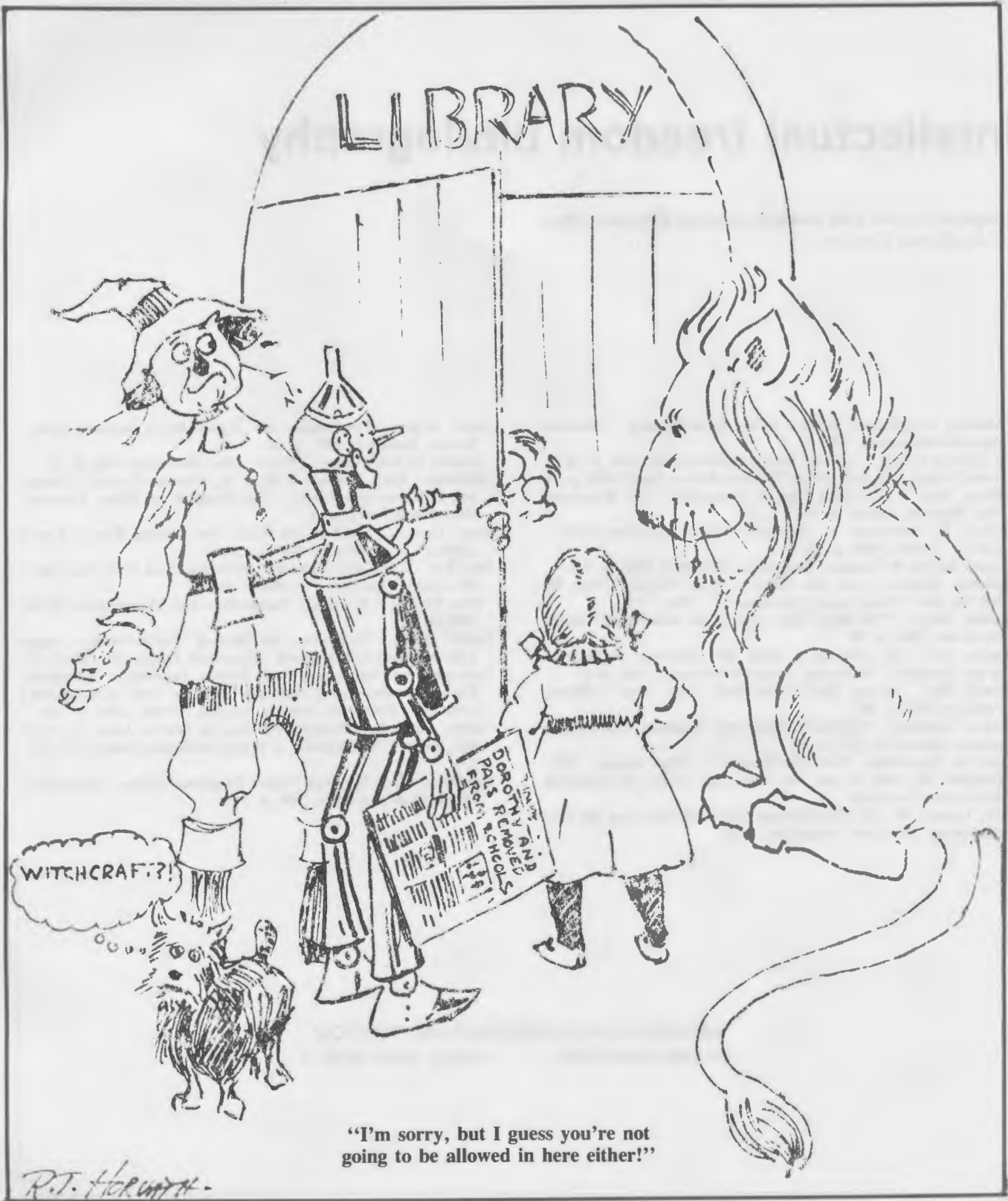
The Pasternak commission was created by the Union of Soviet Writers and is headed by poet Andrei Voznesensky. Radio Moscow said the commission would "supervise the literary heritage of Boris Pasternak," who was described as a "poet and prose writer, a winner of the Nobel Prize."

Earlier, Dmitri Likhachev, head of a new Soviet cultural fund, told the writers' union newspaper *Literaturnaia gazeta* that he had been asked to read *Doctor Zhivago* and write an article about it. The book was banned in the Soviet Union, but was published to great acclaim in the West.

Over the past year banned works by Vladimir Nabokov and Anatoly Rybakov have been reviewed and published for the first time in the Soviet Union. In addition, a new regime in the filmmakers union has supervised the release of several previously banned movies. Reported in: *Minneapolis Star & Tribune*, January 7.

### Belgrade, Yugoslavia

A book by Yugoslav dissident sociologist Vojislav Seselj was permanently banned by a court December 22. *The High Treason Trial*, a collection of documents on Seselj's trial for hostile propaganda in 1984 that resulted in a 22-month jail sentence, was published privately by Seselj earlier in the month. Seselj was one of 28 people, including veteran dissident Milovan Djilas, who were arrested in April, 1984. His previous book, *Witch Hunt for the Heretic*, was banned in June. Reported in: *Philadelphia Inquirer*, December 23.





# intellectual freedom bibliography

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