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blessing censorship

The Impact of the Attorney General's Commission on Pornography.

By Christopher Finan, Director, Media Coalition, Inc.

During its brief existence, the Attorney General's Commission on Pornography was often treated as a joke. Its hearings in major cities around the country were neglected by the establishment press. *The New York Times* didn't even cover the New York hearings. When it finally released its report in July 1986, the commission, by then known as the "Meese Commission," was apparently on the defensive. Two commissioners dissented from the report's assertion that pornography caused sexual crimes against women and children. Scientists upon whose work the commission had based its findings repudiated its conclusions. The commissioners were being sued over a letter they sent to major distributors of men's magazines to warn them that they were about to be identified in the commission's report as purveyors of pornography. The commission's executive director Alan Sears, who had drafted the letter, was slated for a post in the Justice Department's office of strip mining. After a long search by anti-pornography groups, a publisher was found to undertake an abbreviated edition of the commisison's report ($18.95 in hardcover; $9.95 in paperback), but sales of the report soon tailed off. One year later, 70,000 copies had been sold.

Fifteen months after its release, however, the discredited Meese Commission report is being treated as if everything it said about material with sexual content was a matter of plain fact. The debate over whether sexual content leads to sexual abuse has been succeeded by a determined effort to implement the commission's recommendations on the federal, state and local levels. A federal obscenity task force is seeking to use the racketeering laws against producers of obscene material and has demanded the confiscation of First Amendment-protected works published by the defendants, as well as the obscene material (see page 20). State legislators have begun acting on the commission's call for increased penalties for publishing or selling obscene works, making publishers and booksellers nervous about dealing in any material that has sexual content. Anti-pornography groups have taken the commission's hint that there is a role for "private action" in bringing pressure to bear on retailers selling sexually explicit material that is not obscene (see page 7). No one who has taken a serious look at the impact of the Meese Commission is laughing anymore.

In the months immediately following the issuance of the Meese Commission report, it was possible to hope that its memory would pass like a bad dream. The Justice Department undertook a long review of the nearly 92 recommendations made by the commis-

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in this issue

targets of the censor

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Vermont censorship survey

The results of the first statewide survey of library censorship conducted by the Vermont Library Association's Intellectual Freedom Committee were encouraging. Questionnaires were mailed last summer and the results were announced in September, in conjunction with the nationwide observance of Banned Books Week.

Although there was one reported book-burning—a copy of the controversial *Our Bodies, Ourselves*, by the Boston Women's Health Book Collective, was taken home by one public library patron and burned—overall, only 22 libraries, 16% of the total reporting, received complaints about their holdings in the past two years. In just three cases, complaints resulted in a book's removal from the collection. In addition, "several books were moved from the juvenile to the adult collections." These figures were significantly lower than those recorded by surveys in other states.

Books reported to the survey as challenged included Judy Blume's *Forever*, attacked in two Vermont libraries; the children's book *There's a Monster Under My Bed;* Alice Walker's *The Color Purple;* William Burroughs' *The Place of Dead Roads;* and the sex education books *Where Did I Come From?* and *Let's Talk About Sex and Loving,* for children and young adults respectively. Of 25 different items reported challenged, 17, or 68%, were for children or young adults.

The survey also attempted to discover how frequently libraries were being asked to divulge the identities and reading habits of their patrons. Only seven libraries, 5% of those reporting, indicated that they had received requests to probe circulation records. In all cases, the requests were refused, including one request by the local police department. Although a Vermont Attorney General's Opinion has declared that state law protects such confidentiality, the protection does not yet enjoy an explicit legislative mandate.

The survey report, prepared by Vermont IFC Chair and Bennington College Library Director John Swan, acknowledged that "most book-banning is the quiet, self-censorship variety, and Vermont's low number of incidents may in part be because of a tendency to play it safe." Moreover, at least one academic librarian complained that lack of funding prevented the purchase of many essential items, "let alone anything that is 'questionable'." Still, only eleven libraries, about 9% of the total, reported that " 'questionable' or challenged materials" were treated differently "from other materials in the library in shelving and/or circulation policies."

Survey responses were received from 139 of 209 libraries surveyed. Of those responding, 104 were public libraries, 19 were school libraries, and 8 were academic libraries. The survey was conducted with the assistance of Marianne Cassell of the state Department of Libraries and Bennington College Assistant Director Peggie Partello. Results were compiled by Bennington College student Laura Maxey. Copies of the final report are available from John Swan, Head Librarian, Bennington College, Bennington, Vermont 05201.□

new Nebraska IF coalition

In response to growing school book censorship pressures, efforts are underway in Nebraska to form a coalition aimed at defending intellectual freedom in the classroom. According to David Martin, president of the Nebraska Council of Teachers of English (NCTE) and a teacher at Central High School in Omaha, forty organizations were invited to participate in a December 5 organizing meeting in Lincoln, the state capital.

"Teachers are becoming defensive and self-censors," Martin said. "They don't have the strength or energy to continue the fight alone. We're forming the coalition to let people know they are not alone." Martin said the idea for the Nebraska Intellectual Freedom Coalition came from a standing committee of the NCTE called Advocates for Intellectual Freedom. Groups asked to join the new group include the Nebraska Library Association, the Nebraska State Education Association, the Nebraska State Reading Council, the Nebraska High School Press Association, the American Association of University Professors, and the Nebraska Civil Liberties Union.

Coalition organizer Mel Krutz, an English professor at Concordia College in Seward, said censorship in the state has escalated from actions aimed at specific literary works to actions aimed at topics of discussion in the classroom. Krutz noted that some Nebraska teachers are required to notify parents ahead of time when they plan to discuss certain issues. "That is cutting at the heart of what teaching is," Krutz said. "You can't know what a child will bring up in class. You ought not to discourage what they might [bring up]."

Philip H. Schoo, superintendent of the Lincoln public schools, endorsed the coalition. "Parents have a right and responsibility to know what their children are reading, to monitor what their children are reading, and to assist their children in selecting what they read," he said. "But what is at issue here is individual parents who are not satisfied with obtaining alternative assignments for their own children. They want the material removed from all children."

In November, Schoo and members of the Lincoln school board received the Nebraska Civil Liberties Union Foundation First Amendment Award for their actions in defense of intellectual freedom. The Lincoln school system resisted efforts by the Citizens for Excellence in Education and Eagle Forum to remove Arthur Miller's play *Death of a Salesman* from a required reading list in a tenth grade English class. The Lincoln schools also resisted efforts to remove the novel *Lord of the Flies,* by Nobel Prize winner William Golding, from an optional reading list.

"I think local school boards have to decide what is appropriate," said Max D. Larsen of Lincoln, president of the State Board of Education and former dean of arts and sciences at the University of Nebraska. "The Lincoln board does a good job," Larsen said, "by providing alternatives to books people find objectionable. But, because some parents object, the board does not deny access to everybody. They protect the rights of all individuals." Reported in: *Omaha World-Herald,* November 16.□

cold war of the textbooks

Who led the October 1917 Bolshevik Revolution in Russia? Historians agree: It was Vladimir Ilyich Lenin. But some of the most commonly used textbooks in American junior and senior high schools give his first name as Nikolai. Soviet educators consider the mistake a deliberate slight.

"They don't talk about Tom Washington and George Jefferson," said Howard Mehlinger, dean of the education school at Indiana University. "Their view is that authors and editors can't be that careless. They think it's intended."

The misnaming of Lenin was but one of many instances of factual error, inflammatory language, outdated information, and misrepresentation found by a group of nine Soviet and seven American scholars in school textbooks used in both countries. The group, composed of historians, social scientists, educators, and textbook publishers, reported its findings to a meeting of the National Council for the Social Studies in Dallas November 16 following a week of fruitful discussions in Racine, Wisconsin. They called on textbook publishers in both countries to review and revise their publications in light of the group's deliberations.

The textbook study began in 1977 when textbooks used in both countries were exchanged and examined by experts for bias and inaccuracy. The program was interrupted in 1979, however, when Soviet troops entered Afghanistan and U.S.-Soviet relations deteriorated. In 1981, the American experts wrote an interim report based on early findings, but the project did not get back on track until the cultural exchange agreement signed by President Reagan and Soviet leader Mikhail Gorbachev at Geneva in 1985 renewed the undertaking.

In early 1987, the American and Soviet study teams swapped textbooks again to measure changes since their initial work nearly a decade ago. Some 25 U.S. junior and senior high school history and geography books were sent to the Soviet Union, and eight Soviet texts were shipped to the United States. Because Soviet schools follow a uniform national curriculum, the number of textbooks in use is much smaller than in the United States.

According to Mehlinger, who has headed the U.S. team since 1977, the Soviet books showed a "mixed response" to the concerns raised by the American group in its interim study. Some flagrant distortions were eliminated, he reported. One passage dropped from a Soviet eighth grade world history book stated that American pioneers set out to exterminate the Indians by placing smallpox-infested blankets near the Indians' camps—the U.S. military's first use of germ warfare.

The Soviets expressed some dismay that comparisons to 1977 were difficult because the U.S. group sent different texts this time. "The text that spoke about the cow which felt its superiority over the Soviet cow was not sent to us again," complained Soviet geographer Vladimir Maksakovskii, referring to a geography textbook that attributed improved production by U.S. dairy farmers to the fact that their cows ran free rather than being penned on collective farms.

The Soviets said passages in American textbooks tracing the founding of the Russian state to the Vikings rather than to native Slavic peoples no longer reflect accepted views among both Soviet and Western specialists. Similarily, American accounts of the Bolshevik revolution often describe it as a coup d'etat by a small group of conspirators rather than a mass movement, a view increasingly regarded as at minimum simplistic by Western as well as Soviet experts.

The Soviet team also noted that Russian military victories over Napoleon and Nazi Germany are generally credited to harsh winters. "Only weather, not the people," complained Soviet historian Andrei Sakharov. "It is an image of a country of permanent winter like Greenland or Alaska," added Maksakovskii.

Mehlinger said that in contrast to the American books, the Soviet texts contained few factual errors. But their presentation was selective and slanted in an ideological direction discomforting to most Americans, he added.

According to Mehlinger, the Soviet books concentrate on American racism, hedonism, and militarism. "If you read about American cities, you'd wonder why in the world anyone would want to live there," he said. "Soviet textbooks still write about racism in our country as if it were 1950 or earlier."

Treatment of World War II provides a clear example of omissions by both sides. Both delegations saw much lacking in the presentation of the crucial events that have shaped U.S.-Soviet relations for the last 40 years. Students in the Soviet Union read about the tremendous casualties suffered by the Red Army as it held off the bulk of Germany's military might for three years. But the only reference to American aid shipments is to note when they were suddenly stopped by President Truman in 1945. The Soviet books largely pass over the U.S. campaign in the Pacific Theater.

American students, however, also get a one-sided presentation. With the exception of brief accounts of the Stalingrad battle, American textbooks spend little time on the Russian front, frequently implying—quite incorrectly, delegates on both sides agreed—that Hitler was stopped by the Russian winter. American students are not informed that when the

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confidentiality of library records

In light of recent FBI inquiries into library use (see Newsletter, *November 1987, p. 215), the ALA Office for Intellectual Freedom reiterates the American Library Association's Policy on the Confidentiality of Library Records. This policy and suggested procedures for its implementation are reprinted below. In addition, as noted in the policy, the ALA Code of Ethics also protects the user's right to privacy.*

Librarians confronted with any request for library circulation records should carefully follow the "Suggested Procedures," especially steps 2 and 3. These advise consultation with the library's legal officer to ensure that any process, order or subpoena is in good form and that there is a showing of good cause for its issuance. Subpoenae are fairly easily obtained and the requirement that good cause be shown is for the library's protection as well as that of the patron.

The Intellectual Freedom Committee of the Oklahoma Library Association has published a notice for posting in libraries, spelling out for patrons their right under Oklahoma law to privacy in library use. The Office for Intellectual Freedom strongly urges libraries in states that have confidentiality of library records statutes to create and post a similar notice. Those in states without such statutes should formally adopt the ALA Code of Ethics and a policy specifically recognizing personally identifiable records as confidential, and devise a similar statement for public posting. The following states have enacted legislation protecting the confidentiality of library records: Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Virginia, Washington, Wisconsin, Wyoming.

Policy on Confidentiality of Library Records*

The Council of the American Library Association strongly recommends that the responsible officers of each library, cooperative system, and consortium in the United States:

1. Formally adopt a policy with specifically recognizes its circulation records and other records identifying the names of library users to be confidential in nature.

2. Advise all librarians and library employees that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power.

3. Resist the issuance or enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction.**

*Note: See also *ALA Policy Manual* 54.15—*Code of Ethics,* point 3, "Librarians must protect each user's right to privacy with respect to information sought or received, and materials consulted, borrowed, or acquired."

**Note: Point 3, above, means that upon receipt of such process, order, or subpoena, the library's officers will consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they will insist that such defects be cured.

Adopted January 20, 1971; revised July 4, 1975, July 2, 1986, by the ALA Council.□

Suggested Procedures for Implementing "Policy on Confidentiality of Library Records"

1. The library staff member receiving the request to examine or obtain information relating to circulation or registration records will immediately refer the person making the request to the responsible officer of the institution, who shall explain the confidentiality policy.

2. The director, upon receipt of such process, order, or subpoena, shall consult with the appropriate legal officer assigned to the institution to determine if such process, order, or subpoena is in good form and if there is a showing of good cause for its issuance.

3. If the process, order, or subpoena is not in proper form or if good cause has not been shown, insistence shall be made that such defects be cured before any records are released. (The legal process requiring the production of circulation records shall ordinarily be in the form of subpoena *"duces tecum"* [bring your records] requiring the responsible officer to attend court or the taking of his/her deposition and may require him/her to bring along certain designated circulation records.)

4. Any threats or unauthorized demands (i.e., those not supported by a process, order, or subpoena) concerning circulation or registration records shall be reported to the appropriate legal officer of the institution.

5. Any problems relating to the privacy of circulation and registration records which are not provided for above shall be referred to the responsible officer.

Adopted by the ALA Intellectual Freedom Committee, January 9, 1983.□

(textbook cold war . . . from page 4)

D-Day invasion was launched, Soviet troops had already entered Germany.

Mehlinger acknowledged that many concerns will never be resolved because they reflect the differing ideologies, points of view, and methodologies dominant in the two countries. Soviet books, for example, characterize the American Revolution as a conflict in which power shifted from landowners to traders and industrialists. Although many in the U.S. group found that description misleading and objectionable, it reflected less willful distortion than a Marxist approach to history which emphasizes the economic underpinnings of political change.

Still, Mehlinger stressed, "to the degree possible, and I underline, the degree possible, each side ought to try to eliminate egregious errors or distortions or the worst examples of propaganda they can."

Soviet delegation chief Grigory Sevastianov agreed. "Even given our ideological differences, we can find approaches in which American and Soviet viewpoints will be presented together and students can evaluate and come to their own conclusions," he told reporters in Racine.

"The laws of physics are the same in all schools," added Galli Klokova of the Soviet Academy of Pedagogical Sciences. "It is overcoming misunderstanding in the social sciences that is important. These are the subjects that allow youths to become involved citizens."

Scholarly agreement on deleting what both sides find erroneous will only be a first step in actually expunging inaccurate material. Politics control textbook revision in both countries, the delegates agreed. Mehlinger noted that change may prove easier in the Soviet Union, if only because the key decision-makers are concentrated within the national ministry of education. Sevastianov reported that Soviet authors were already writing "a new generation of textbooks" that will take into account criticisms posed by American scholars.

Mehlinger cautioned that changes in American books may come more slowly, because the improvements must begin in myriad publishing houses and pass muster before thousands of local book selection panels and school boards. "To some degree, the ability to influence textbooks is only modestly affected by scholarship when you're dealing with things like the treatment of other countries," he said. "Parents and others decide what they want their children to learn. . . . The way the country is pictured in the textbook in part is an indicator of the current set of relationships."

But Barbara Flynn, an editorial vice president with Scott-Foresman and Co., who represented publishing concerns on the American team, predicted that the U.S. books will change. "I can't help but believe all American authors want to be accurate," she said. Reported in: *Dallas Morning News*, November 13, 17.□

AAParagraphs

does First Amendent immunize U.S. from British-style book banning?

Americans could hardly read of the draconian lengths to which the British government went last summer to suppress a book of memoirs by a former member of the supersecret British intelligence agency without wondering, "Could it happen here?" Or does the First Amendment guarantee to Americans that no book—no matter how daring or sensitive—will be suppressed?

The editor of *FOI/FYI*, a monthly newsletter of the Society of Professional Journalists, Sigma Delta Chi, pondered that question as did many other people—and raised it publicly to a number of public and semipublic figures—judges, writers, publishers, government officials and journalists—representing, it was hoped, diverse points of view. (Said editor is by coincidence none other than the writer of this column.)

The responses received to the query as to whether a book like Peter Wright's *Spycatcher* could ever be banned in the U.S. were few in number but high in quality.

They came from a member of Congress heavily involved in federal freedom of information issues (Rep. Glenn English, D-Okla.); a distinguished columnist of *The New York Times* (Anthony Lewis); and a former CIA agent with perhaps more right than most to have an opinion on the subject (Frank Snepp, from whom the Supreme Court confiscated the profits from his book on the evacuation of Saigon, *Decent Interval*, because he had not lived up to his prior agreement to let the CIA review it before publication).

Although all three respondents alluded somewhat wistfully to the First Amendment, none expressed shock or outrage at the question—and none replied with a flat "impossible".

"We have had nothing in this country to match the complete absurdity of the (Margaret) Thatcher government's attempt to ban British newspapers from reprinting excerpts from *Spycatcher* at the same time that the book was being sold on the streets of London and throughout the world," declared Rep. English, who chairs a House subcommittee on government information.

But, referring to a case well-known to readers of this newsletter because of the involvement of the Freedom to Read Foundation, English cited "several comparable actions in recent years by the Reagan administration to close the barn door after the horse has gone.

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

"For example, the National Security Agency ordered a private library to remove from its public shelves documents that had been in the public domain for several years and that were used as the basis for James Bamford's best-selling *Puzzle Palace.*"

Newsletter readers will recall that this governmental action was subsequently upheld by a federal appellate court.

And, English added, "The government also attempted to prevent the importation of documents stolen from the American Embassy (in Teheran) that were being sold in the bazaars of Iran.

"The protection of secret government information is no laughing matter. At least it isn't when the government follows a reasonable policy that classifies truly sensitive national security information rather than bureaucratic bungles and political embarrassments. Nothing undercuts respect for legitimate government secrecy more than irrational zeal of the government itself," the congressman declared.

Columnist Lewis, finding it "hard to believe that the *Spycatcher* legal episode could be duplicated in the U.S.," nevertheless cited "some worrying legal moves toward the repressive British tradition." Among the cases he cited was, not surprisingly, Snepp's:

"The government did not claim he had disclosed any secrets—he took care not to—but sought to punish him for breaking his promise." Lewis cited the Supreme Court injunction prohibiting Snepp—for life—from writing or speaking on intelligence matters, and the further requirement that he turn over all receipts from his book (so far more than $180,000) to the government.

"What makes the Snepp case particularly worrying is that there was no express basis in any statute for the steps taken by the Court," Lewis wrote. The Court simply made up law at the President's request, evidently moved by the executive's power over national security matters.

"That would be understandable in Britain. In a country where it is a rule that even a president must be able to point to legal authority for his actions, it was shocking. This is also a country with a First Amendment—but the Court dismissed that with a footnote."

Lewis also cited the case of Samuel L. Morison, a civilian employee of the Navy, convicted of espionage for sending a satellite photo of a Soviet aircraft carrier to a British publication. Despite the lack of a showing of damage to the national security, Lewis noted, it was the first conviction of espionage for sharing defense material with a publication—not with (in "classic espionage fashion") a foreign government.

"If the higher courts uphold Morison's conviction, the U.S. will have a law much like the British Official Secrets Act," according to Lewis. "For the first time . . . this country will have a statute making leaks a crime.

"And it would not be a new statute duly passed by Congress, because Congress would never pass such a law. Instead the courts will have taken a 70-year-old (espionage) law, passed during World I, . . . and made it into a presidential weapon against leakers disfavored by the administration in power. (Of course it would not be used against all leakers, or we would have to build 100 new federal prisons.)"

Concluded the *Times* columnist: "The British obsession with secrecy has weakened that society and is now widely condemned. For the U.S. to copy the attitude would be folly in the extreme—and a denial of its own strengths and traditions."

Commenting by telephone from California, where he now teaches journalism and consults with ABC News, Snepp said he was "stunned" that no more parallels had been drawn between the *Spycatcher* case and his own: "They are amazingly similar," he said, "in that [Peter Wright] breached a fiduciary trust that came with his job."

Another parallel that Snepp perceived was the assumption of British authorities that they had the right to examine, control and censor public reporting of unclassified materials.

In fact, he predicted that the British "will now take a cue from my case and require people to sign nondisclosure agreements."

Snepp was bitter at the differing reactions of the British and American press to the cases. The British, he contended, "perceived immediate danger because they were threatened (by a government order not to publish anything about the book).

"In my case there was no immediate impact upon the press. . . . Unless a First Amendment case involves the press, the press doesn't believe it involves the First Amendment."□

Kansas City's war on porn

Wherever people went in Kansas City in October they were warned of the dangers of pornography. Messages filled the airwaves, newspapers, billboards and even the sides of buses. The campaign, Stand Together Opposing Pornography (S.T.O.P.), was initiated by the Coalition Against Pornography-Kansas City, a new local chapter of a four year-old national organization, which spent more than $200,000 to spread its message.

According to Christopher Cooper, executive director of the group, the campaign's hourlong television fund raiser "succeeded beyond our expectations." He said the drive was a prototype for campaigns across the country to be conducted by the National Coalition Against Pornography, headed by the Rev. Jerry Kirk of Cincinnati. Kirk gained prominence when his organization helped eliminate all adult theaters and bookstores in Cincinnati (see *Newsletter*, March 1987, p. 43).

"We don't want to see judges letting people off with no fines and no jail terms if they are breaking the law," said Cooper, who terms the viewing of pornography an addic-

tion. His group compiled a list of more than 200 outlets, including general purpose video stores, where, they charge, illegal obscene materials are available.

"I've seen how pornography has destroyed people's lives," Cooper said. "There are a lot of people who will tell you pornography has nothing to do with violent crime. That's just not true. Our position is that pornography is not the cause of all the world's evils. But it does have a catalytic effect on somebody who already has other problems."

Kansas City Mayor Richard Berkley recorded a firm endorsement of the coalition's campaign and allowed its use in radio advertising. Some less than enthusiastic responses from local prosecutors, however, brought angry letters from Cooper's growing list of active supporters, which he numbered at 20,000. After Dennis Moore, district attorney in suburban Johnson County, Kansas, observed that "serious and violent crimes—homicide, rape, robbery" had a higher priority in his office than pornography, letters poured in, often identically worded. Moore soon proposed a change in Kansas law that he said would make it easier to prosecute obscenity cases. Reported in: *New York Times,* November 2.□

Gores and Hollywood leaders discuss rock lyrics

Sen. Albert Gore Jr. (Dem.-Tenn.), a candidate for the Democratic nomination for president, and his wife, Tipper, met privately October 28 with entertainment industry leaders to discuss Mrs. Gore's widely publicized campaign against allegedly pornographic rock lyrics and for the labeling of objectionable records (see *Newsletter*, July 1985, p. 138; September 1985, p. 183; November 1985, p. 189; January 1986, p. 3; July 1986, p. 116; March 1987, p. 44; September 1987, p. 192).

The Gores said the meeting was not political, but observers believed it was intended to "assuage concerns" of potential campaign donors in the entertainment industry. The meeting was closed to the press, but accounts published by *Daily Variety* were confirmed by participants.

According to *Variety,* at the meeting, Mrs. Gore expressed regret about participating in a highly publicized 1985 Senate hearing on rock music. At the hearing, Mrs. Gore suggested that record companies should include warning labels on records to alert parents to suggestive lyrics. She said the hearing had been "a mistake" that "sent the wrong message" to the entertainment industry. She said that she had inadvertently given encouragement to advocates of censorship, which she claims to oppose.

Sen. Gore's campaign secretary, Arlie Schardt, said the Gores did not meet with the entertainment leaders "to change their position or back down. Tipper knew she was not going to change the mind of anybody in the room but that it was better to have a dialogue," Schardt said.

Mickey Kantor, a Los Angeles lawyer active in the entertainment business, who attended the meeting said, "The Presidential campaign never came up. Everyone was there for the continuing discussion about providing consumer information about record lyrics."

But Danny Goldberg, president of Gold Mountain Records and a longtime critic of Mrs. Gore's Parents Music Resource Center, said of Sen. Gore, "I think he made a political calculation that a meeting could make a cosmetic change in their perceived position, because the entertainment business is important for both money and attention." Goldberg said the Gores had sought to "assuage concern about the wife's attacks on rock and, in my opinion, it was unsuccessful."

The meeting took place in the executive dining room at MCA, a major entertainment company, at the invitation of several industry leaders, including producer Norman Lear and Irving Azoff, an MCA executive. Reported in: *New York Times,* November 6.□

Minnesota Library Association deplores 'political intimidation'

The following resolution, proposed by Sanford Berman, was passed unanimously by the Minnesota Library Association:

WHEREAS, over the past several months such Twin Cities alternative bookstores and information sources as A Brother's Touch, Northern Sun Merchandising, Mayday Books, Pathfinder Books, the Central America Resource Center, Back Room Anarchist Books, and the Paul Robeson Bookshop, together with sanctuary churches and human rights groups, have experienced window-smashing, break-ins, thefts, rifled files, and telephone threats; and

WHEREAS, the police, governmental leaders, and mainstream media have failed to acknowledge, condemn and combat this outbreak of political harrassment; and

WHEREAS, librarians traditionally value and promote the free and unshackled expression of diverse viewpoints;

THEREFORE BE IT RESOLVED, that the Minnesota Library Association deplores the current wave of political intimidation, asks the Twin Cities news media to better report and editorialize on these events, and urges local authorities to take immediate steps to safeguard free speech and freedom of the press in the Twin Cities area; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the mayors of St. Paul and Minneapolis, the Star-Tribune, the St. Paul Press-Dispatch, Twin Cities Reader, and metro TV and radio stations. Reported in: *MLA Newsletter,* November/December, 1987.□

censorship dateline

libraries

Scottsdale, Arizona

Playboy can no longer be checked out at the Scottsdale Public Library by anyone under the age of 18, City Manager Roy Pederson ruled October 15. The decision contradicted an October 5 City Council vote affirming the library's policy of allowing unrestricted access to all library materials.

Pederson ruled on the advice of acting city attorney Dick Filler, who concluded that the library policy violated two state laws, one prohibiting the furnishing to minors of materials harmful to them and another prohibiting display of explicit sexual material. Filler recommended that the library amend its policy, and Pederson agreed.

"My duty is clear," the mayor said. "Short of a City Council directive, I simply won't allow a city employee to be placed in a position where they could be charged with a felony."

The controversy began when Scottsdale resident Peter Morgan complained that *Playboy* was available to minors. In April, the Library Advisory Board rejected his complaint (see *Newsletter*, September 1987, p. 193). On October 5, the City Council did likewise by a 4-1 vote. Reported in: *Arizona Republic*, October 7; *Scottsdale Progress*, October 16.

Spring Hill, Florida

When Principal Dan McIntyre of West Hernando Middle School (now district director of schools) pulled Wallace Terry's *Bloods: An Oral History of the Vietnam War by Black Veterans* and the October 20, 1986, issue of *People* magazine off school library shelves in 1986, library media specialist Susan Beach Vaughn filed a grievance with the school board. She filed a second grievance after she received a less than satisfactory evaluation (see *Newsletter*, September 1987, p. 173).

McIntyre maintained that he had "an unequivocable right to monitor the [library] collection" and he convinced the school board that he should be permitted to bypass established review procedures. He charged that the book and an article on nudism in the magazine were not appropriate for a middle school library. School board attorney Joe Johnson insisted that the review policy did not apply to principals, but only to someone outside the school system objecting to library materials. Vaughn's original complaint was dismissed, but her second grievance was submitted to arbitration.

On September 10, Perry Zirkel of the American Arbitration Association ruled in favor of Vaughn. He ordered that "the disputed material shall be returned immediately to the shelves." The books were back for just forty minutes, however, before they were removed pending a review by an advisory committee formed in accordance with the policy violated by McIntyre.

Vaughn was not originally eager to tangle with McIntyre. Shortly after his arrival at West Hernando in 1982 the principal asked her to remove a copy of *Life* magazine, and she agreed. Some time later, following a parental complaint, McIntyre asked that all books listed under the subject heading "sex education" be removed. Vaughn said she checked the books out to McIntyre and they "never came back."

"When that magazine [*People*] was removed, that was it," Vaughn said. "I knew it would be more painful to let this go on than to try to do something about it. I never had a grand plan for myself," she added. "Once I started with this I knew it was going to take a long time and a lot of energy, but people are fighting this kind of thing all the time." Reported in: *Tampa Tribune*, September 26; *School Library Journal*, October 1987.

Westhampton, Massachusetts

School officials reported October 5 that 17 horror novels by popular author Stephen King had been stolen from the shelves of the Hampshire Regional High School library, a theft that one administrator termed a form of censorship. The books were discovered missing September 14.

"Some of the implications are pretty scary," said Bernard Fallon, assistant superintendent. "Someone's imposing a predetermined formula of . . . what is right in truth in terms of selection of materials." Although police do not believe the theft was related to a reported theft of some 34 books on the occult last April, Fallon thinks the two incidents may be connected. King's novels frequently involve occult themes.

Fallon said he was concerned about the thefts because, "It is, in effect, tantamount to a form of censorship by purging selected texts from our reading resource." Reported in: *Hampshire Gazette*, October 5.

Napoleon, North Dakota

Catcher in the Rye, by J.D. Salinger, a perennial target of the censor, was taken out of administrative limbo November 9 and returned to the Napoleon High School library. The book remained banned from a required sophomore English reading list, however. By a 3-2 margin, the Napoleon School Board voted to overturn an October decision by school officials to remove the book after parents and the local Knights of Columbus chapter complained about its profanity and sexual references.

The dispute began in late September after several parents complained when English instructor John Kambeitz assigned the book. "We're talking about our tax money being used to buy trash, which is just what that book is," said Virginia Fettig, who twice denounced *Catcher in the Rye* in letters to the editor. "He has no right teaching that book to his class. We're the people who pay his salary, then we should have some say about what is being taught to our kids."

"They think because it has bad words, it is a bad book," Kambeitz responded. "Using that logic, a book with no profanity or sex is automatically a good book." Kambeitz, however, agreed to stop using *Catcher in the Rye* after meeting with school officials. He said he was reluctant to remove the book from the curriculum, but hoped that doing so might forestall further demands. "Personally, if I had known it would get this crazy, I would have hung tough and fought to keep the book," he later commented.

The controversy continued to escalate. The Napoleon Knights of Columbus voted to send a letter to school officials asking that the book be removed from the school library. "We had about 35-40 members present, and we voted unanimously to send the letter," said Grand Knight Jim Hilzendeger.

"This is just the kind of uproar we thought we would be avoiding when we took the book out of the class," Kambeitz said. He came out in opposition to the book's removal, receiving support from the North Dakota Library Association. "I guess my feelings can be best summed up in the form of a question to parents," Kambeitz said. ". . . Do you want your kids to be exposed to different ideas or do you want them sheltered so they think exactly like you do about everything? I say you should give them as much information and as many examples as possible. Let them make up their own minds. To me that is what education is all about."

Although the library board rejected the Knights' request, school officials decided the book would be removed until the school board made a decision. Before being dropped from the class curriculum, *Catcher in the Rye* had been used in Napoleon schools for four years without incident. Reported in: *Napoleon Homestead,* September 30; *Bismarck Tribune,* October 18; *Fargo Forum,* October 28, November 10.

San Antonio, Texas

At a Halloween weekend conference, an anti-occult group resolved to fight against the presence of books on witchcraft in school libraries. Members of Exodus also called for an end to Halloween observances in schools. According to Exodus founder Yvonne Peterson, the October 31 holiday "is actually Samhain, the highest event in the witches' calendar."

Peterson said her group would ask Texas lawmakers to pass measures prohibiting school children from checking out books on witchcraft without signed parental permission. "We've started compiling lists from libraries," she told the *San Antonio Express-News.* "We've got parents willing to back us up. Believe me, we're very serious about this. We're going to take it to the state level."

"These are the 'how-to' books in our school libraries. The books that glorify witchcraft," Peterson said. "We're finding an average of twenty occult books in our school libraries. We would like these books placed in a locked bookcase where a student can't check them out without a parent's permission slip. I just think the parents have the right to know." Reported in: *Austin American-Statesman,* October 26.

schools

Gwinnett County, Georgia

Citizens for Excellence in Education (CEE) leader Jo Ann Britt said in October that her group would oppose a proposed textbook appeal procedure for the Gwinnett County Schools. The procedure would prohibit appeals from people who don't have children in the system. CEE charges that the new policy amounts to taxation without representation.

"I already talked to someone at the state school board last month," Britt said, adding that she told them that if the new policy is adopted, "We may have to look into the legality of whether that should be challenged." CEE has been at the center of a continuing controversy over school curriculum and library materials (see *Newsletter,* November 1985, p. 193; January 1986, p. 8; March 1986, p. 57; July 1986, p. 117, 135; September 1986, p. 151; January 1987, p. 32; March 1987, p. 65; July 1987, p. 128; November 1987, p. 224).

Under the proposed policy, once library materials or textbooks are adopted, anyone wishing to appeal the use of the materials must meet certain requirements. To challenge library materials, "a person must be a student, a parent or guardian of a student, or a member of the faculty at the school where the material [will be used]. The parent or guardian must have a child attending the school where the objectionable material is found," the policy says.

The adoption process for textbooks is more open than that for library materials, school officials said. "Any person can give input; this strengthens our position on the appeal pro-

cess," county school administrator George Thompson explained. Therefore, the only people allowed to appeal textbook adoptions would be parents and guardians with children in the school system.

In August, CEE said it would abandon confrontational tactics. However, in October, the group sponsored a highly publicized visit to the county by self-described conservative textbook screeners Mel and Norma Gabler. The Gablers object to books that leave out mention of God, the Christian work ethic, and moral responsibilities, among other things. They have helped protesters alter or remove controversial materials in several states. Reported in: *Gwinnett Daily News,* October 20.

Amherst, Massachusetts

An eighth-grade social studies textbook used at Amherst-Pelham Regional Junior High School was challenged in October by a group of parents who charge that, among other things, it is sexist and distorts the history of minorities. In a formal complaint to the school district, the parents asked that *The History of the American Nation,* by John Patrick and Carol Berkin, no longer be used as a primary text.

The parents charged that the book is "unforgiveably misleading and biased" in its presentation of minority groups, women, the Civil Rights movement and the Vietnam War. "From the title page to the index there is a very false image of the history of the U.S. being given," said parent Honey Nestle. "My child came home with this book and I was appalled by it."

Nestle said even the book's title posed a problem. "It's an implicit denial of the existence of other American nations, such as Canada and Mexico, and the countries of Central and South America." She said the book did not clearly state that Christopher Columbus's voyage was motivated by a search for gold and slaves.

Other parents condemned the book's portrayal of more recent events. Sophy Craze, one of three people who originally filed complaints against the text, told an October 28 review committee hearing that a 1968 map in the book "represents South Africa as a free country. I can't have my child read that. I don't want the book banned; I simply want it replaced."

Other parents cited inaccuracies or biases in the book's treatment of the Vietnam War, the Cuban missile crisis and the Reagan administration. They told the review committee that the book oversimplified events and presented them in a conservative light.

"The text is filled with inadequate and incorrect information on the subject of the Vietnam War," said Vietnam veteran Brian Edmond. Jerome King added that the volume was "terrified" of controversy. "That is its weakness," he continued. "And that is more than a weakness. It is moral cowardice."

Robert Kelly, head of the junior high social studies department, said the book was chosen by a panel of four teachers last spring after a review of 25 textbooks. "There is a clear consensus amongst members of the department that the text chosen, while lacking in some areas, is quite appropriate for our purposes," he said. "In Amherst, a supposed bastion of liberalism, the censors have arrived. They have different values and a different political agenda than the creationists, but both have a common thread: They think they know the truth," he continued.

"Choosing texts is the prerogative of the school department, not the parents," Kelly added. "Frankly, some of us are rather tired of being downgraded by certain folks in the community who have a degree or two and thus assume that they know best how to teach—that they can determine what is best for students at these various ages [or] intellectual levels." Amherst is the home of the University of Massachusetts, Amherst College, and Hampshire College.

John Heffley, director of secondary education and chair of the four-member review committee, said originally the group was to rule only on the request to discontinue the book's use. But after hearing testimony, Heffley said, the committee faced a "difficult" task, considering the amount of information presented and the number of issues raised.

"The difficulty this committee will face is we have to come up with a recommendation that will probably offend everyone," Heffley said. Reported in: *Hampshire Gazette,* September 25, October 29; *Boston Globe,* November 8.

Plymouth, Michigan

Diane Daskalakis of Citizens for Better Education (CBE) notified administrators of the Plymouth-Canton Community Schools of her group's intention to file further complaints against materials used by teachers in the district. Daskalakis and her group have been targeting objectionable materials allegedly dealing with the occult for over a year (see *Newsletter,* January 1987, p. 12; May 1987, p. 79).

In a letter to school officials, Daskalakis said CBE would file complaints against the filmstrip series *Winnie the Witch* and the movie *What Friends Are For.* "We're looking at a lot of others also," she added to reporters, "especially some materials in the sex education curriculum."

Daskalakis said her group also wants to examine the Salem High School library to see if books on witchcraft and the occult "outweigh" books about Christianity. "We want to prove or disprove they are handling those subjects in a favorable fashion," she said. Reported in: *Plymouth Community Crier,* September 16.

Barnum, Minnesota

Junior high students in the northeastern Minnesota town of Barnum will be able to choose between two health classes next school year—one that discusses human sexuality extensively and one that doesn't. The Barnum school board adopted the compromise plan November 12 to try to settle

arguments over a health textbook supplement entitled *Sexuality: A Responsible Approach.*

"What we liked about it was the responsible decision-making approach and the wellness approach," said Jeanette Meier, who chaired the committee that chose the book. "Our reasoning is that students have accurate information, factual information, so when they hear the word, they'll know what people are talking about."

But some parents disagreed, saying the supplement would degrade their children and violate their privacy. More than 240 people signed a petition against it. "My husband and I do not want to have our children in a school where a book the quality of that manual would be used. It's totally unsuitable for my children, all the way through high school," said Ann Genereau. Reported in: *Minneapolis Star & Tribune,* November 15.

Charlotte, North Carolina

An Independence High School drama teacher was reprimanded in October for asking students to perform a dramatic scene in which a woman says she has slept with another woman and a man says he has been sexually attracted to little girls. Principal Sam Dillard said he reported the incident to superiors after a parent complained that the play excerpt was "pure filth."

Dillard said he told teacher Willie Jordan not to use excerpts from the play—*Table Settings,* by James Lapine—in class. "It should not have been conducted in a high school class," Dillard said. "It went too far for this community."

"If there had been any socially redeeming value in the play, I think I could have dealt with the language," said parent Susan Weedon. "But this was nothing but pure filth. I read *Flowers for Algernon* and found nothing offensive in that, but *Flowers for Algernon* pales by comparison to this." Last year, some parents objected to Daniel Keyes' novel, *Flowers for Algernon,* and the school board upheld an administrative decision to keep the book on the system's tenth grade reading list.

Weedon said she first complained to Dillard after her daughter, Leslie Sprinkle, came home "in a state of shock" after being assigned to prepare a reading of the scene. Dillard then told Jordan not to use the play excerpt. "I told him not to use anything that had to do with sex, drugs, violence, and profanity," he said. "I told him the students were not to censor the books or the plays—he was to censor it."

But Jordan apparently did not follow orders. When Sprinkle reported that she would not feel comfortable reading the scene, Jordan gave her another to prepare but reassigned *Table Settings* to other students. When they performed it in the drama class, Sprinkle called her mother, who called Dillard to complain. Reported in: *Charlotte Observer,* October 23.

Milwaukie, Oregon

The profanity in John Steinbeck's *Of Mice and Men* was banned from a November stage production of the classic story at Rex Putnam High School, drawing charges of censorship from some cast members and parents. "This is an incredible issue here if we are going to remain educators with any kind of integrity," said drama teacher Julie Gibson-Wickham.

The play was already seven weeks into rehearsals November 6 when Superintendent Ben Schellenberg ordered that all profanity be eliminated from the script. The directive was prompted by complaints from several parents, including the mother of one of the cast members. "If we expect students to not use those words in the classroom, it is inappropriate to have those words used on the stage," she said.

Bonnie Stone, whose son was a cast member, first complained to Principal Galen Spillum that the language in the play would be offensive to many people. She said she did not want the play censored, but thought a play with such language inappropriate for a school production. "I expect schools to present plays you can bring your family to, your children and your grandparents," she said.

Spillum subsequently ordered Gibson-Wickham to eliminate the offensive words. The drama teacher said students then edited some of the language, but thought total elimination of such dialogue would detract from the play's impact. She also questioned the need for any editing, since the play is taught in its entirety in ninth grade classes.

The matter then went to a citizen advisory committee which expressed some reservations but recommended that the language remain in the play. That recommendation was overruled by Schellenberg. Reported in: *Portland Oregonian,* November 13.

Dupree, South Dakota

The Dupree School Board banned the use of three books by seventh and eighth grade students in Dupree High School English classes September 10. The books dropped were the anonymous *Go Ask Alice, My Darling, My Hamburger,* by Paul Zindel; and *Bless the Beasts and the Children,* by Glendon Swarthout. The books were banned because of what the school board called "offensive language and vulgarity."

The books, which were used in the reading curriculum, were made available only to students who presented a parental permission slip to the librarian. Principal Charles Begeman and Superintendent Richard Auch recommended the removals to the board. "When you take a book and put it in front of every child and require them to read it, you have a much different story than when you have a book in the library. In the library, the book would be considered recreation reading and is not something they are being forced to read."

The school board also discussed forming a committee which would develop a selection policy for educational materials. Reported in: *Rapid City Journal,* September 25.

Oak Harbor, Washington

A dispute erupted last summer in Oak Harbor over a new elementary school reading series. The *Impressions* series, published in Canada by Holt, Rinehart & Winston and adopted by the school board last spring, drew charges that it undermines parental authority, is filled with morbid, frightening imagery and involves children in witchcraft and sorcery. In addition, opponents claimed, the series promotes Eastern and other religions to the exclusion of Christianity.

Proponents contend that *Impressions* is a superior system, assembled on the advice of teachers and librarians, which draws upon the books most popular with children. "What concerns me a lot is what this does to a community when this kind of issue comes up—I'm concerned about the amount of emotion and the lines it draws," said Charles Merwine, a supporter of the reading program.

"Fundamentally, it's a religious issue," Merwine continued. "To me, the opponents have a religious viewpoint that works from fear, that concentrates more on the fear of evil rather than concentrating on bringing things into the light."

Opponents of the readers see the issue differently. "Does it get down to the point where a parent can't even disagree with something without it being called censorship?" asked Mary McKinney, whose concern sparked the controversy after she and her husband organized a meeting in August at Living Fellowship Church to discuss the reading series.

McKinney said the series improperly encourages children to discuss personal family values and issues. She also said "the witchcraft and sorcery bit" is a strong current running through the books. "I just don't think it's all that good literature," she said.

On September 10, a public forum attracted some 1,000 people, the majority reportedly opposed to *Impressions.* On September 16, an Instructional Materials Committee met in a day-long session to evaluate material on both sides of the dispute. The committee agreed that "censorship *was* an issue." Reported in: *Seattle Times,* September 22.

Boone County, West Virginia

The Boone County school board on November 17 directed officials at a county high school to create an alternative honors English class that bans classic works by such authors as John Steinbeck and J.D. Salinger because some parents consider the books "filthy."

"I believe the board will offer a second alternative honors English course with alternative books," school board President James J. MacCallum said. "I'm not here to tell you how those books will be chosen. They will be quality books." MacCallum said the board made a decision which he viewed as "fair and equitable and palatable to all."

"It's a defeat for education, countered Schott High School English teacher Mary Carden, whose honors class was in the eye of the book-banning storm. "I'm sad for the students who will be in that class. They'll be spotlighted. They will be identified as the radical religious group, because their parents don't want them to read curse words that they hear in groups, in school and at home."

The decision was a victory of Wilma Adkins of Morrisvale. Adkins removed her straight-A, 16-year-old daughter Mary from the class after discovering the 11th grader was reading "shocking" books like Steinbeck's *Of Mice and Men.*

"I just happened to pick it up and find out the contents of it and I mean it was shocking," Adkins said. "It's just one 'GD' after another all through that book. And telling them to go to h-e-l-l. It's anti-Christian, too. It said nobody gets to heaven, that's just all in people's heads."

"*Catcher in the Rye* [by J.D. Salinger] has got all kinds of cuss words in it," Adkins continued, listing the books she found objectionable. "It's got the four-letter words in it. It comes right out and says it. And he admits he's an atheist in that book."

"Now *Ordinary People* [by Judith Guest], that's the rough one. It's got them all beat. It's got the four-letter words and cuss words all through it. And it's got all kinds of vulgar, filthy things. It tells about him cutting his wrist and trying to commit suicide. On one page it tells about him and this girl—they're just teenagers—having sex. This one is absolutely filthy, dirty, vulgar, any word you can think of, it fits this one."

Adkins went before the board of education twice with her complaint before getting a response. At one point, she presented the board with a petition containing 230 signatures. "What I'm asking for is two honors courses; so my child can be in an honors course and not have to read this filth," she told the board.

Adkins was supported by a local Baptist minister and some parents suggested that alternative readings be available for all honors students. But Carden and Scott High Principal Richard Clendenin asked the board not to change the course. Clendenin said the purpose of the course was to expose students to new ideas. "When books are banned, the ultimate in tyranny has happened," he concluded.

After a short recess, the board announced its decision ordering Clendenin and his staff to prepare an alternative curriculum. "I'm going to throw the ball back to my superiors," the principal responded. "If I'm not capable of choosing the list to accommodate the needs for the honors class, I'm not the one to choose the list for the alternative honors class." Reported in: *Charleston Gazette,* November 17, 18.

Saratoga, Wyoming

A fourth grade spelling game called "Wizards" became a center of controversy after the Platte Valley chapter of Citizens for Excellence in Education (PVCEE) distributed a letter to school district parents charging that the game promotes witchcraft. "Wizards" has been used for three years

in the fourth grade spelling class at Saratoga Elementary School.

According to the letter, the game assigns higher powers to witches than humans, who occupy the lowest level in the game. By correctly spelling words, students can advance to higher levels and become "sorcerers, magicians, enchanters, and wizards."

"This implies that the higher powers are desirable, and that they are attained by [reaching] a 'non-human' level such as taught in witchcraft and satanism. Thus, our children may be led into experiments with real witchcraft. They are in real danger if they have been led to believe that witches, wizards, magicians, sorcerers and enchanters are 'good guys'," the letter states.

The school board was not officially approached, but PVCEE leader Jeff Rayl said the group would take its complaint as far as necessary to resolve the issue. "I had no idea that they had a special policy for handling complaints about the curriculum," Rayl said.

"While I don't have anything against using this type of teaching method to teach kids how to spell, I do have an objection to this particular one," Rayl said. "I don't believe this follows the Constitution and the rules set up in school districts all over the country: not preferring one religion over another. I personally believe that if there is going to be an exclusion of religion, they ought to exclude this one too. If this game would be based upon Biblical characters, let me tell you everybody and their brother would be up in arms about it; because all of a sudden they'd be teaching prayer, they'd be teaching religion in the schools. Well, witchcraft is a religion," Rayl argued.

Two parents had earlier objected to the game and received permission to exempt their children from it. But Rayl said that "it is not acceptable simply to remove the teaching just from children whose parents are objecting." He said the program is a "danger to all children. It is a religion being taught." Reported in: *Casper Star,* September 24; *Rawlins Daily Times,* September 24.

student press

Broward County, Florida

Journalism teachers in three south Florida counties decided October 24 to fight for change in school policies that they say result in censorship. High school newspaper advisers from Broward, Palm Beach, and Martin counties decided to form an association to lobby for change, primarily in Broward.

Broward County's policy governing student publications, as outlined in the student Conduct and Discipline Code, contains two mandates that outrage many journalism teachers and students. Approval is needed from the "principal or the person in charge before printing any school publication," and students cannot publish anything that "could be harmful or cause embarrassment to others, the school or the community."

"Some principals are taking this literally. Some people can't write a single thing about the cafeteria . . . about a pep rally, because it's negative things about their school," said Alyce Culpepper, adviser for *The Sword and Shield* newspaper at South Plantation High School.

According to teachers at a Florida Scholastic Press Association conference in Fort Lauderdale, about six county principals actually censor school newspapers. They have forbidden stories on topics such as a school's leaky roof or a need for longer library hours. Facing such restraints, newspaper advisers said they wouldn't dare present stories on teenage pregnancy, drug abuse, or AIDS. Reported in: *Miami Herald,* October 25.

newspaper

Miami, Florida

The top-ranking Hispanic editor at the *Miami Herald* resigned September 30, charging that the paper censored a columnist who had disputed parts of the *Herald's* account of a controversy involving Radio Marti. Angel Castillo Jr., assistant managing editor for news, resigned a day after the paper withheld publication of a regular column by a Miami radio commentator who also writes for the editorial pages of *El Herald,* the newspaper's Spanish edition. Castillo was in charge of *El Herald.*

"Not permitting a person to give his version of things is not the type of journalism with which I feel comfortable," Castillo said. He said the *Herald's* action amounted to censorship.

Pete Weitzel, the *Herald's* managing editor, said the disputed column by Tomas Regalado had denied statements Regalado made to the paper. Earlier, the *Herald* printed stories quoting Regalado as saying officials of Radio Marti, a U.S. government station that beams news and entertainment to Cuba, had sometimes delivered tapes to his station for broadcast in Miami. U.S. regulations forbid domestic rebroadcast of programs made by government stations like Radio Marti. In his column, Regalado denied making such charges. Reported in: *Wall Street Journal,* October 2.

television

Detroit, Michigan

Over 300 people demonstrated in November in front of the studio of WKDB-TV to protest the independent station's airing of the controversial 10-hour miniseries *Shaka Zulu* because it was funded in part by the South African

government. The series was also criticized by demonstrators for historical inaccuracy and for a biased portrayal of the native African population.

Earlier, representatives of the NAACP, Michigan Coalition for Human Rights, Transafrica, New Detroit, Inc., the Detroit Urban League, the Archdiocese of Detroit, and the National Conference of Black Lawyers had called on the station not to air the program. Detroit City Council member Maryann Mahaffey and Detroit-area Congressional representatives George W. Crockett, Jr. and John Conyers also denounced the showing of the series.

"In normal circumstances, people have the right to see or read whatever they wish," Dr. Arthur Johnson of the Detroit NAACP explained. "Our opposition to the airing of this film is based on the belief that the South African government, one of the producers of the film, should not be helped in promoting its views abroad while it restricts the rights of the world's press to report directly on conditions in South Africa." Reported in: *Variety,* November 25; *The South End,* November 12.

New York, New York

"Saturday Night Live" made its reputation with humor proudly considered too wild for prime time. NBC's office of standards and practices tussled with the writers from the start. But the program bent rules and broke new ground. Now, according to producer Lorne Michaels, "Saturday Night Live" faces increasing censorship.

"There isn't a week in which four or five things aren't suggested that we think would be funny, and the best thing on that subject, and we can't do them," Michaels said. Michaels, who produced the first five seasons of the show, and the past two, told reporters last month that many of the sketches done during the program's heyday in the late '70s would never get past network censors now. At least one network censor agreed.

Asked why NBC was imposing stricter censorship, Michaels said, "I don't think it's the mood of the country, or the presidency, or anything like that. In the old days, when NBC was the third-place network and we were a hit, we were given a little more freedom. Now, there's really only enough of an advertising base to support 2½ networks, so they're much more mindful of sponsors, and standards is much more wary.

It isn't just that sketches are thrown out at the script stage. Network censors took a new approach last season. Comedy approved in advance and broadcast live was then banned. Two of last year's shows were not rerun, because the censor demanded deletions which Michaels refused to make.

Michaels pointed to other problems with the censor. Sometimes lines spoken during live broadcasts were deleted on censor's orders when the show aired later, on tape, in western time zones.

"After 13 years, people know that if they're not interested in the kind of thing we do, they should not be watching us," Michaels said. "We should be allowed to kick ass. That's what our mandate was. Lots of things that are funny are at people's expense."

Richard Gitter, the NBC censor assigned to the show, said his office serves as "quality control for the network, for the service that we provide our viewers," and that "if we see a shoddy product put out, it would be silly to say, 'Let's continue the product' when we have an opportunity to correct the situation. We are not going to befoul the airwaves with inappropriate language." Reported in: *Washington Post,* October 7.

Houston, Texas

A Houston television station was accused October 12 of censoring the paid telecast of a sermon by the Rev. Ed Young that urged people to vote against a referendum to allow parimutuel betting on horse and dog racing. Officials at Houston's Second Baptist Church said KHOU-TV cut approximately the last 90 seconds of Young's regularly scheduled sermon, violating, they charged, their contract and First Amendment rights.

The officials countered, however, that the action was designed to maintain the station's responsibilities as a public broadcaster. "We discussed with them that if they continued their practice we would have to delete the objectionable material," station manager Lee Salzberger said. "I'm trying to be fair and impartial on a ballot issue. There is no censorship in my mind."

The Baptist officials refused to accept the station's decision, noting that the FCC had withdrawn its Fairness Doctrine mandating equal time for controversial views. Church officials noted that Young's sermons had not been censored before, even when he included statements opposing the referendum on Houston's gay rights ordinance in 1985.

"We are going to do whatever we can do to enforce the right that Dr. Young has not to have his program edited or censored by television or anybody else," said retired state District Judge Paul Ferguson, the church's chief of staff. Reported in: *Houston Chronicle,* October 13.

etc.

Wilmington, Delaware

Delaware Correction Commissioner Robert J. Watson on November 13 banned the showing of all movies at state prisons until the wardens devise an effective method of screening out excessively violent and "unconstructive" films. Watson's action followed the disclosure that officials at Wilmington's Gander Hill Prison permitted inmates to view a "slasher" film called *Bloodsucking Freaks* that featured cannibalism, mutilation, and murder.

"What we do in the prisons must have some corrections purpose," Watson said. "Even though [the film was rented] with inmates' money and comes under the heading of entertainment, it's still unacceptable."

Prison officials said that they prohibit the showing of X-rated films, but that *Bloodsucking Freaks* "slipped through" the screening process because it was unrated. Two inmates, however, said the showing of such movies was common at Gander Hill and another Delaware prison.

Watson said wardens would have the option of tightening their screening practices or banning movies permanently. Previously, inmates suggested films, which were then screened by a committee of three inmates and one administration official. "I would draw the line on what's available to the public on network television," Watson said. Reported in: *Philadelphia Inquirer,* November 13.□

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censorship doesn't pay

Two visits to Kanawha County, West Virginia, in 1974—in the midst of a nationally publicized textbook controversy there—derailed the nomination of a Washington, D.C., professor who was the Reagan administration's choice to sit on the board of the National Endowment for the Humanities. The nomination of Charles A. Moser, Professor of Slavic Languages at George Washington University, was rejected by the Senate Labor and Human Resources Committee in October.

Both Moser and his critics cited his involvement in the textbook controversy as the deciding factor in his rejection. Moser took a leave of absence from George Washington in 1974-75 to do research on education issues for the Heritage Foundation, a conservative think tank. Moser said he used the time, in part, to side with parents opposing new textbooks for their alleged anti-American, anti-Christian bias. He said he sided with the protesters because he believes parents should exercise more control over public schools.

"When it comes down to irresolvable disputes between parents and professional educators, I think parents should have the last word," Moser said. "I saw that as the main issue."

On one visit to Charleston, Moser joined parents in a protest march and organized a meeting to discuss the textbooks on another visit. He also gave advice to local residents on tactics, although he apparently disavowed the violent actions of some textbook protesters.

Moser said he didn't mention the textbook controversy in materials submitted to the Senate committee, but his critics discovered a press release from 1974 which mentioned him as a contact. Senators on the committee questioned him, and he told of the extent of his involvement. "I think I was right then and I think I was right now," he later explained. "If it is going to cost me something like this, I'm willing to pay the price."

People for the American Way, a public interest group opposed to school book censorship, was one of the leading opponents of the Moser nomination and discovered the press release. According to Marsha Adler, the group's legislative representative, the discovery was "the overriding factor for our involvement." Reported in: *Charleston Mail,* October 23.□

S. Africa clears *Cry Freedom*

Contrary to widespread expectations, Sir Richard Attenborough's *Cry Freedom*, a film about black leader Steve Biko, was passed by South African censors uncut and without any restrictions on its being shown. The film, which portrays Biko's 1977 death from brain damage after a lengthy interrogation in prison by security police, was widely expected to be banned outright.

Besides portraying Biko's violent death in custody, the film graphically depicts some of the most wrenching episodes of South Africa's history of racial turmoil, including the shooting deaths of 69 blacks by security forces in Sharpeville in 1960.

Braam Coetzee, director of publications, said the government publications committee, which viewed the film November 26, was "completely aware of the speculation and everything else about the film" but approached the screening objectively. The approval reflected a gradual liberalization of censorship of movies and books, although restrictions placed on news reporting have been severely tightened by other government agencies.

Earlier, the Publications Appeal Board conditionally lifted a ban imposed by a lower-level review board on the documentary film *Witness to Apartheid*. The board also lifted bans on the works of Marx and Lenin, and is considering doing the same for the writings of Stalin and Mao.

Kobus van Rooyen, chair of the appeals board, declined comment on the lower committee's approval of *Cry Freedom*, but previously he said banning was justified only in cases of "clear and present danger" to national security. Under van Rooyen's leadership, the Appeals Board has steadily broadened freedom of expression in some fields since 1980. Yet an estimated 40,000 items, about half political and the remainder deemed pornographic, remain prohibited.

The same review panel that approved *Cry Freedom* also banned posters and stickers issued by the South African Youth Congress to celebrate the recent 70th birthday of Oliver Tambo, president of the outlawed African National Congress. Reported in: *Washington Post*, November 28.□

from the bench

U.S. Supreme Court

On October 22, U.S. Supreme Court Justice Sandra Day O'Connor turned down an emergency request from 624 Alabama plaintiffs and refused to block a lower court order dismissing their attempt to ban 44 state public school textbooks used in Alabama schools.

U.S. District Court Judge W. Brevard Hand of Mobile, Alabama, had ruled that the books promote the "religion" of "secular humanism" in violation of the constitutionally required separation of church and state. A three judge panel of the U.S. Court of Appeals for the Eleventh Circuit reversed his decision and directed him to dismiss the suit. "None of these books convey a message of governmental approval of secular humanism or governmental disapproval of theism," the appeals court said (see *Newsletter*, November 1987, p. 217; September 1987, p. 166; May 1987, p. 75).

O'Connor was asked to postpone the effect of the appeals court decision so Hand will not have to dismiss the suit before the Supreme Court acts on the appeal. Her ruling did not, however, damage the fundamentalist group's chances of winning a full review before the Supreme Court. Bob Sherling, a Mobile attorney for the group, said O'Connor's decision could signal she is "not amenable to our position. It doesn't cut off our line of appeal." Reported in: *Mobile Press*, October 23.

Deadlocking 3-3, the Supreme Court October 19 let stand a federal appeals court decision that limited the government's power to bar aliens from visiting this country solely because they are affiliated with Communist organizations. A panel for the U.S. Court of Appeals for the District of Columbia Circuit had rejected, 2-1, the Reagan administration's assertion of unfettered power to take such action.

The case involved the denial of visas to Nicaragua's Interior Minister, Tomas Borge; two Cuban women, Olga Finlay and Leonor Rodriquez Lezcano, experts on women and family law in their country and allegedly members of the Communist Party there; and Nino Pasti, a former Italian Senator and general who is a member of a peace group that the State Department says is controlled by the Soviet Union. The appeals panel ordered further court proceedings to determine whether the exclusion of the four could be justified on somewhat narrower grounds.

A tie vote of the Supreme Court leaves the lower court decision intact without setting any national precedent. However, as a practical matter, most similar visa denial cases are now likely to be filed in the D.C. circuit. The decision was announced without an opinion and without disclosing how individual justices voted.

The appellate panel had ruled 2-1 that the 1977 McGovern Amendment to the Immigration and Naturalization Act required the government to show more than communist affiliation to exclude the speakers. "A visa denial based on a generalization" about an applicant's affiliations, the panel majority said, "surely qualified as the brand of guilt by association Congress sought to check."

The panel, with Judge Robert Bork in dissent, rejected Reagan administration arguments that it could exclude aliens on general foreign policy grounds without certifying to Congress that their presence would threaten national security. The administration has "broad discretion over the admission and exclusion of aliens," the panel said, "but that discretion is not boundless."

Justice Harry A. Blackmun did not vote in the case, *Reagan* v. *Abourezk*, because one of his former clerks was a party in the case. Justice Antonin Scalia excused himself because, while on the appeals court he had joined Judge Bork and three other Reagan appointees in dissenting from a 6-5 decision not to rehear the case *en banc*, that is, before the full appeals court. Reported in: *New York Times*, October 20; *Washington Post*, October 20.

On October 5, the Supreme Court threw out former Mobil Corp. president William P. Tavoulareas' libel suit against the *Washington Post*, ending a bitter and costly eight-year battle that called into question the boundaries of investigative reporting.

Without comment or dissent, the court let stand a 7-1 appeals court ruling last year that said a 1979 article reporting that Tavoulareas "set up" his son in a shipping company that did business with Mobil was "substantially true" and not libelous. Earlier, a jury had found the *Post* guilty and awarded Tavoulareas over $2 million. The trial judge overruled that decision, but he was in turn overruled 2-1 by a three-judge appellate panel. Last March the full appeals court overturned the panel's ruling (see *Newsletter*, May 1987, p. 93; July 1985, p. 123).

The decision by the appellate panel said a newspaper's

reputation for investigative stories, in itself, could be evidence of "a motive" for publishing a "knowing or reckless falsehood," prompting fears among press lawyers that it would chill investigative reporting. Senior Judge George E. MacKinnon wrote the opinion and was joined by then-Judge Antonin Scalia. Scalia, now on the Supreme Court, did not participate in the High Court's action.

Editors and libel lawyers said the Supreme Court action would make it easier for news organizations to do investigative reporting and less likely that public figures will sue when they believe a story is wrong.

"For those whose reporters were not as vigorous as they once were, they can do it—investigative reporting—with a lot more freedom from worry now," said Richard M. Schmidt, general counsel for the American Society of Newspaper Editors. "It's just another roadblock that's been removed from good, vigorous investigative reporting."

"I think this whole inglorious case has taught prominent public people—both in business and public life—that when you have complaints about news coverage, you don't use a libel lawsuit as your soapbox," said First Amendment lawyer Bruce Sanford. Reported in: *Washington Post*, October 6.

The Supreme Court refused October 5 to review a federal appeals court ruling barring publication of a biography of author J.D. Salinger that includes quotations from letters the novelist wrote. The justices let stand without comment a ruling by the U.S. Court of Appeals for the Second Circuit in New York City that publication of *J. D. Salinger: A Writing Life*, by Ian Hamilton, would violate federal copyright law.

Hamilton, a literary critic for the *Sunday Times* of London, located, and quoted from, letters sent to and from Salinger that had been placed in university libraries across the country. After Salinger obtained galley copies of the biography, his attorneys contacted Random House, the book's publisher. Salinger then registered the letters with the U.S. copyright office.

Hamilton sought to eliminate many of the quotations to which the author objected and the final draft of the book included about 200-300 words from the letters. Salinger, however, sued to block publication. A district court ruled that the biographer's use of the disputed material represented permissible "fair use" of copyrighted work, but that decision was reversed by the appellate court in January (see *Newsletter*, March 1987, p. 60).

In seeking Supreme Court review of *Random House* v. *Salinger*, attorneys for Hamilton and Random House argued that the ruling "threatens historical scholarship" and runs afoul of free speech rights. "When brief quotations such as these are at issue," the appeal said, "the extreme remedy of a prior restraint on publication serves only to exalt the most speculative property interests over the interests of the public." The appeal was supported in *amicus curiae* briefs submitted by the Association of American Publishers and the Organization of American Historians.

Reactions to the Supreme Court decision were mixed. Irwin Karp, former counsel of the Authors League of America, predicted "a lot of confusion in publishing houses and among biographers and historians" as well as among the lawyers who advise them. Karp said the appeals court ruling had not only contstrained the use of quotes or paraphrases from letters but had also limited a biographer's use of a writer's "structure and selection."

Charles Rembar, a specialist in copyright law, said the case would "create more confusions about copyright than there's been up to now—and there's been plenty." Rembar said that "an interesting thing about this case is that the plaintiff's apparent motivation was not what he was suing for. He obviously is interested in what he regards as his privacy, but the situation does not rise to the level in privacy terms of something that can make a good lawsuit.

"So he shifts over into the copyright area, where really he's not being done any harm" if the biography were published. Salinger, Rembar noted, would presumably not lose any sales because of the biography—a usual reason for claiming copyright infringement.

It was unclear what Random House would now do. It could rework the book to remove all possibility of copyright infringement. It could also take the issue back to court for a jury trial. However, Salinger has made clear he would sue for damages if the case went to trial. Reported in: *New York Times*, October 6; *Washington Post*, October 6.

Seeking to gauge the extent of students' First Amendment right to a free press, the Supreme Court heard arguments October 13 in the case of *Hazelwood School District* v. *Kuhlmeier*. The case began in 1983, when a school principal ordered deletion before publication of two full pages of a student newspaper, the Hazelwood East High School *Spectrum*, because he objected to two articles including anonymous comments from current and former students about their pregnancies and another anonymous account by a student of his parents' divorce.

A federal district judge dismissed a suit by three student staff members, ruling that the principal acted reasonably. But a divided U.S. Court of Appeals for the Eighth Circuit reversed the decision in July 1986, ruling that the paper enjoyed broad freedom under the First Amendment as a "public forum" intended as "a conduit for student viewpoint." The Hazelwood district appealed to the U.S. Supreme Court, which agreed to hear the case.

Leslie D. Edwards, attorney for the student editors, argued before the High Court that officials could not censor articles in school newspapers simply because they did not like their "viewpoint." But she encountered tough questioning from Chief Justice William Rehnquist and Justice Antonin Scalia. Scalia asserted that her logic could force officials either to abolish their school newspapers or to allow them to advocate marijuana smoking and "adolescent sex," or even to argue,

if the students so chose, that "Hitler was right."

"You leave us with a terrible choice: either no newspapers at all or newspapers that have to be offensive," Scalia concluded.

At one point, Robert P. Baine, Jr., representing officials of Hazelwood East High School near St. Louis, seemed to take the position that officials could exercise absolute control over anything published in a publicly financed school newspaper as long as it was done under a publicly announced policy.

But he retreated when pressed by Justices William J. Brennan, Jr. and John Paul Stevens. On hearing Baine's argument, Justice Brennan said, "That really adds up to no First Amendment protection." Justice Stevens asked Baine whether he meant to suggest that school officials could censor all articles that did not reflect a particular political viewpoint.

Baine indicated he would not go that far. But he argued that broader restrictions were appropriate for the school newspaper than would be proper in the case of extracurricular student speech because the newspaper was partly financed by the school and was written and edited for academic credit by students in a journalism class. Reported in: *New York Times,* October 14; *St. Louis Post-Dispatch,* October 14.

The Supreme Court heard arguments November 4 on an appeal by the state of Virginia of lower court decisions declaring unconstitutional a state law barring bookstores from displaying materials considered harmful to children. Richard B. Smith, an assistant Virginia attorney general, told the court that his state's minors display statute had been interpreted too broadly by its critics. "This statute deals with borderline obscenity," Smith maintained.

Lawyer Paul M. Bator, representing the American Booksellers Association, disagreed. He argued that the statute went too far and would require "a very drastic restriction on the free access of adults" to books judged harmful to minors. "I think our question is whether it is constitutional for the government, basically, to create an across-the-board rating system for books," Bator added.

The case of *Virginia* v. *American Booksellers Association, et al.* began when the ABA filed suit two weeks after the 1985 statute when into effect and Judge Richard L. Williams ruled in favor of the booksellers. "The level of discourse reaching a commercial bookstore cannot be limited to what might be appropriate for an elementary school library," he ruled. A three judge panel of the U.S. Court of Appeals for the Fourth Circuit agreed and Virginia appealed to the Supreme Court.

The Freedom to Read Foundation filed an *amicus curiae* brief in the appeal (see *Newsletter,* September 1987, p. 172; November 1987, p. 232). Reported in: *Richmond News-Leader,* November 4.

On October 19, the Supreme Court agreed to review the extent to which states may regulate charities' fund-raising activities. The case, *Riley* v. *National Federation of the Blind,* involves a North Carolina law, struck down by an appellate court, that would have allowed state officials to review fund-raisers' books and license professional solicitors. The appeals court said the law violated the free speech rights of charitable organizations. Reported in: *Washington Post,* October 20; *New York Times,* October 20.

obscenity and pornography

Los Angeles, California

On November 4, a federal judge narrowed the scope of a tough child pornography law, ruling that two producers charged with hiring sex film star Traci Lords can argue that they had no way of knowing the actress was under 18. U.S. District Court Judge J. Spencer Letts rejected the government's contention that the law, recently amended to include children as old as 17, does not allow producers a defense when they have taken reasonable precautions against hiring minors.

"To allow an employer to be imprisoned and severely fined based upon a factual error, which might have been the product of trickery and deception, puts a considerable twist on the basic notions of fairness," the judge said.

The so-called "strict liability" provision of the federal Child Protection Act, first adopted in 1977 and strengthened in 1984, has made it an easier prosecution tool than most state child pornography laws, which require proof that pornographers knew they had hired a minor.

Ruling in an indictment against producers Ronald Kantor and Rupert MacNee, Letts conceded that the government is not required to prove that the producers knew Lords was only 16 when she starred in their film, *Those Young Girls.* However, the two men are not precluded from raising a defense that they believed the actress to be at least 20, and government prosecutors say that effectively means they will have to prove the producers knew their star was underage.

"I fear that the judge has gutted the Child Protection Act, at least for pubescent females," U.S. Attorney Robert C. Bonner said of the ruling. "The concern is that, if allowed to stand, the pornography industry is going to be able to use and exploit females that are under 18, so long as they're pubescent, and that's quite disturbing."

The attorney for the producers, John Weston, said the judge should have gone even further, declaring the entire statute unconstitutional. He and co-counsel Anthony Glassman argued that the law's prohibitions against even simulated sex may have broad First Amendment implications for all filmmakers. Because of its harsh penalties and broad scope, the statute will have a chilling effect on filmmakers, they argued, causing them to avoid hiring all young-looking actors or making sexually explicit, but legal, films for fear of mistakenly hiring a minor.

Letts agreed that the law may be unconstitutionally broad, particularly since recent amendments raised the minimum age from 16 to 18. "Major motion pictures intended for mass distribution may call for the simulation of sexual intercourse, by characters portraying older teenagers, in roles which are otherwise not generally considered pornographic," the judge observed.

"When young people have reached an age where some forms of sexual intimacy can no longer be considered unnatural as experienced in their private lives, it becomes increasingly likely that some form of visual depiction, short of pornography. . . will become part of serious artistic works," he continued.

In fact, Letts said he could only "reluctantly conclude" that the statute itself should not be struck down, and only because the U.S. Supreme Court appears to have said that only a clearly non-pornographic film or publication can be considered as a legitimate challenge to the law. But Letts did say the producers should not be precluded from arguing that they were ignorant of a minor's true age.

"A performer's age . . . cannot be determined by simple examination of the performer's appearance," the judge said. "There is no way even to begin to obtain objective verification of age without some information about date and place of birth," and performers themselves would have "every incentive to falsify the information convincingly." Reported in: *Los Angeles Times*, November 7.

Denver, Colorado

On October 6, a Colorado state district court ruled that the state's obscenity statute is constitutional under both the U.S. and Colorado constitutions. The Mountains and Plains Booksellers Association (MPBA), along with five other plaintiffs had filed a "complaint of declaratory relief" in Colorado District Court seeking to have the law overturned. Joining in the suit were the Tattered Cover bookstore of Denver; Joyce Knauer, president and general manager of Tattered Cover; Johnson Book, a Boulder publisher; Gordon's Books, a Denver wholesaler; and Cathy Nachtigal, owner of Bookplace of Applewood in Wheatridge, Colorado (see *Newsletter*, May 1987, p. 100).

The obscenity statute was signed into law in April 1986. Under its provisions, not only can publishers, wholesalers, and bookstores be enjoined from selling allegedly obscene material, but property owners in the vicinity of such businesses can seek damages equal to the difference between the fair market value of their property and the possible value "if such enterprise. . . were not located in the vicinity, as established by the opinion testimony of experts."

In finding that the statute was not "unconstitutionally vague and overbroad," Judge John N. McMullen wrote that "there is little reason to believe that a statute drafted in terms specifically designed to prohibit only the public portrayal of hard-core sexual conduct for commercial gain is likely to infringe upon, or chill the interchange of *ideas* for the bringing about of political and social change." Characterizing the question of whether or not the statute violated the Colorado Constitution as "difficult to address," McMullen said that "having found that Plaintiffs' overbreadth challenge clearly fails under the First Amendment, the Court finds no adequate basis for determining that challenge to be valid under the Colorado Constitution merely because the latter provides, to some undetermined extent, broader protection than the United States Constitution."

MPBA counsel Peter Ney promised an appeal. He noted that "The question is whether the Colorado Supreme Court is going to define what that broader protection is of freedom of expression, and this is the perfect case to do it." Reported in: *ABA Newswire*, October 12.

Alexandria, Virginia

A federal jury in Alexandria gave a boost November 10 to the U.S. government's legal battle against pornography by finding three northern Virginia residents guilty of racketeering charges for distributing obscene videotapes and magazines. The case was the first in which federal prosecutors brought racketeering charges against distributors of allegedly obscene materials, a recommendation made last year by the Meese Commission on pornography. The prosecution was coordinated by the Justice Department's newly created National Obscenity Enforcement Unit and the office of Henry E. Hudson, U.S. attorney in Alexandria, who chaired the Meese Commission.

The so-called RICO (Racketeer Influenced and Corrupt Organization) statute was enacted in 1970 to fight organized crime and has been widely used against major narcotics, illegal gambling, and extortion operations. In 1984, Congress extended RICO to cover trafficking in obscene materials. A racketeering conviction permits the government to confiscate all assets gained through the defendants' racketeering enterprise.

Two of the defendants, Dennis E. and Barbara A. Pryba of Lorton, Virginia, own three adult book stores and nine video shop outlets. The third defendant, Jennifer Williams of Woodbridge, was employed by Educational Books of Upper Marlboro, Virginia, a Pryba-owned firm. Dennis Pryba has had several previous convictions under state laws for selling obscene materials. Educational Books has been convicted 15 times in Fairfax County of obscenity violations and owes the county more than $260,000 in fines. In addition to forfeiture of assets, the Prybas face up to 95 years in prison; Williams faces 75 years.

Assistant U.S. attorney Lawrence J. Leiser, who prosecuted the case, said the verdict gave distributors of adult materials "some concrete idea of what the community standard is in this district. . . . It will help them assess their own stock and determine whether it's in the limits of the law."

According to evidence at the trial, the Prybas obtained most

of their tapes and magazines from a New York firm called Model Magazine, Inc. Officials said Model Magazine is one of several subjects of a grand jury investigation in Alexandria (see below and *Newsletter,* March 1987, p. 63).

At issue in nine days of testimony during the trial were four videotapes and nine magazines seized from the Prybas' shops in raids in October, 1986. The tapes were played in court and graphically depicted heterosexual and homosexual sex, anal sex, sado-masochistic sexual acts and bondage. The magazines contained explicit photographs of similar acts.

The Alexandria case had been carefully watched by mainstream publishers and booksellers and by civil liberties advocates. "We think this is the ground floor of an extraordinarily important First Amendment case which is likely to be decided at the Supreme Court level," said Freedom to Read Foundation attorney Bruce J. Ennis.

"Of course, our members don't publish the kinds of materials at issue in the Pryba prosecution, but the theory behind the case causes them great concern," said Michael Bamberger, general counsel for the Media Coalition. "For example, if a Dalton bookstore were to sell one book twice or two books that subsequently were found under local community standards to violate the law, the government could come in and seek forfeiture of the assets of the whole chain" through a RICO prosecution.

"The penalty is so severe," added Maxwell J. Lilienstein, general counsel for the American Booksellers Association, "that I'd have to advise our membership to exclude anything which was sexually explicit because of the enormous risk involved" in a possible racketeering prosecution.

Since the indictment of the Prybas in August, racketeering charges also have been brought against Reuben Sturman by federal prosecutors in Las Vegas, Nevada. Sturman was named in the Meese Commission report as one of the largest distributors of allegedly obscene materials in the country. Reported in: *Washington Post,* October 4, November 11.

Alexandria, Virginia

Subpoenas *duces tecum* issued against videotape distributors, in connection with a grand jury investigation into the distribution of obscene materials, were overly broad, a panel of the U.S. Court of Appeals for the Fourth Circuit ruled September 24. The breadth of the subpoenas was "unreasonable and oppressive" within the meaning of criminal discovery rules and had a chilling effect on material presumptively protected under the First Amendment, Judge Sam J. Ervin, III, ruled.

The subpoenas were issued as part of an ongoing racketeering investigation into distribution of allegedly obscene materials by U.S. attorney Henry Hudson, former chair of the Meese Commission. They originally required distributors in New York, New Jersey, and California to produce as many as 2,500 videotapes (see *Newsletter,* March 1987, p. 63). Reported in: *West's Federal Case News*, October 9.

free expression

Boston, Massachusetts

The Boston Symphony Orchestra did not have a First Amendment artistic integrity defense to liability under the Massachusetts Civil Rights Act for cancelling a contract with actress Vanessa Redgrave, a three judge panel of the U.S. Court of Appeals for the First Circuit ruled October 14. The Orchestra engaged Redgrave to narrate Stravinsky's *Oedipus Rex* in a series of concerts in Boston and New York, but cancelled the contract after receiving calls from subscribers and from community members protesting the engagement because of Redgrave's political support for the Palestine Liberation Organization.

Reversing a lower court decision dismissing Redgrave's suit for damages, Judges Frank M. Coffain and Hugh H. Bownes ruled that the Orchestra could not claim First Amendment protection for its right to perform without threat of interruption from the audience. The court returned the case to the district court level for further proceedings. Reported in: *West's Federal Case News,* October 23.

film

Los Angeles, California

The United States Information Agency (USIA), under orders from a federal judge, adopted new interim regulations governing the foreign distribution of American-made documentary films. The USIA, however, is seeking a stay of another court order that would prevent the new guidelines from going into effect until its appeal of the order mandating the changes is resolved.

The new interim regulations eliminate several former USIA regulations that U.S. District Court Judge A. Wallace Tashima ruled unconstitutional in October, 1986, in the case of *Bullfrog Films* v. *Wick* (see *Newsletter*, January 1987, p. 19). The new regulations do not go far enough, however, to satisfy the Center for Constitutional Rights, whose 1985 lawsuit against the USIA led to the court-ordered revision of the agency's guidelines.

One of the old regulations struck down by the court, and now stricken from the interim regulations, stipulated the USIA could deny special export status to documentaries that attempted "to influence opinion, conviction or policy." Such films were considered by the agency to be "religious, economic or political propaganda," and thus not worthy of a USIA export certificate.

Another old regulation stricken from the agency's interim rules stipulated the agency need not certify "any material which may lend itself to misinterpretation or misrepresenta-

tion of the United States or other countries, their peoples or institutions, or which appear to have as their purpose or effect, to attack or discredit economic, religious or political views or practices."

The USIA, in fact, had used these guidelines to deny export certificates to numerous documentaries that had expressed controversial viewpoints. This, in turn, led the Center for Constitutional Rights to sue the agency on behalf of a coalition of documentary filmmakers.

David Cole, an attorney for the Center, said he was still unhappy with the regulations. He took issue with new guidelines stipulaitng that in any documentary that "presents, promotes or advocates a conclusion or viewpoint for which different viewpoints, theories or interpretations may exist, the material [must] acknowledge, present or refer to the existence of a difference of opinion or other point of view." He also took exception to a new regulation that would allow the USIA to "identify material that in its opinion constitutes propaganda."

Cole said the Center for Constitutional Rights "will be challenging the sufficiency of the new regulations," and vowed to oppose the USIA's request for a stay of the court-ordered revisions of its regulations pending its appeal of the case. Reported in: *Variety,* November 25.

religion in schools

San Francisco, California

The California Supreme Court, acting in a far-reaching test of the separation of church and state, refused October 22 to hear an appeal of a lower court ruling prohibiting religious invocations at public high school graduation ceremonies. School officials in the Bay Area town of Livermore had contended in their appeal that a traditional, student-written prayer at graduation was permissible under both the state and federal constitutions.

Last July, a three-member panel of the state Court of Appeals unanimously upheld an injunction issued by an Alameda Superior Court judge in 1983 barring an invocation referring to "Almighty God" from ceremonies at Granada High School in Livermore. The panel held that under U.S. Supreme Court decisions, the Constitution commanded "absolute separation" of church and state.

While some districts dropped the practice in recent years, invocations still are given at most graduation ceremonies in California, according to attorneys in the case. William E. Rundstrom, the senior deputy Alameda County counsel representing the Livermore district, said it was possible an appeal would be taken to the U.S. Supreme Court.

"We tried to distance ourselves from the classroom prayer situation," Rundstrom said. "Here, we have mostly 18-year-olds in a brief, once-a-year ceremony, not younger, more impressionable students as a captive audience in a classroom setting."

"School prayer is school prayer," countered Margaret C. Crosby, an attorney for the ACLU of Northern California, who represented the opponents of the invocation. "The courts are saying that if prayer is unconstitutional in the classroom or on the playing field, it is also unconstitutional at graduation ceremonies."

The refusal of the state high court to hear the petition came in an order signed by Chief Justice Malcolm M. Lucas. None of the court's seven members voted to review the case. Reported in: *Los Angeles Times,* October 23.

Cincinnati, Ohio

In early October, the U.S. Court of Appeals for the Sixth Circuit in Cincinnati rejected a request by seven fundamentalist families from Tennessee to have their appeal heard by all of the judges on the court. Earlier, on August 24, a three judge panel of the circuit court overturned a lower court decision and unanimously ruled that the families' rights were not violated when their children were required by the Hawkins County, Tennessee, schools to use a reading series to which the families objected on religious grounds (see *Newsletter,* November 1987, p. 217).

The families were expected to appeal the case to the U.S. Supreme Court. Reported in: *Cincinnati Post,* October 10.

Warminster, Pennsylvania

Declaring that the Centennial School District had violated the free speech rights of a Christian student group, a federal judge issued a preliminary injunction October 28 allowing an evangelical magician to perform on Halloween at William Tennent High School in Warminster.

The act in question contained 15 minutes of evangelizing in a two hour show by Andre Kole, a traveling magician allied with Campus Crusade for Christ. The rest of his show contained standard illusions.

In June, Student Venture, an arm of the Campus Crusade, mailed a deposit to rent the high school auditorium for Kole's performance. But school officials returned the deposit in September, saying school policy and Pennsylvania law prohibited the use of public school facilities for religious services. The group and three high school students filed suit to have the policy declared in violation of the constitutional right to free speech and assembly.

They argued that the district discriminated against their particular religious group, because adult education classes on "occultic religious subjects" such as reincarnation, astrology, yoga, and palmistry were permitted at the school. In issuing the injunction, the judge noted that the school had opened its doors to the general public with virtually no limit

to groups. He said separation of church and state did not require banning a group "merely because it is religious." Reported in: *Philadelphia Inquirer,* October 29.

church and state

Evanston, Illinoiis

A zoning scheme which excluded churches as permitted uses, but which allowed churches in any residential or business district provided they secure special use permits did not violate the First Amendment because the scheme regulated religious conduct, rather than religious beliefs and opinions, U.S. District Court Judge John F. Grady ruled March 20. However, the same judge ruled September 3 that an Evanston ordinance requiring a special use permit to lease, own and operate property as a church violated the equal protection clause. Grady ruled the city failed to show that churches posed any greater threats in the areas of traffic congestion, pedestrian safety, and child safety than did similarly situated and permitted uses of meeting halls, theaters, and schools. Reported in: *West's Federal Case News,* October 16.

Northport, New York

A New York compulsory vaccination law's limitation of a religiously-based exemption to "bona fide members of a recognized religious organization," whose doctrines opposed such vaccinations, violated the First Amendment, U.S. District Court Judge Leonard D. Wexler ruled October 21. Deciding in favor of the plaintiff in a lawsuit brought by a Northport parent against the local school district, Wexler said the primary effect of the limiting clause was to inhibit the religious practices of those individuals who opposed vaccination of their children on religious grounds, but were not actually members of a religious organization that the state recognized. Reported in: *West's Federal Case News,* November 13.

government employment

Washington, D.C.

Rejected Supreme Court nominee Judge Robert H. Bork issued an impassioned dissent October 2 from an appellate court finding that a postal worker was improperly fired for exercising free speech. Bork charged that his colleagues on the U.S. Court of Appeals for the District of Columbia had "created new First Amendment law that runs directly contrary to Supreme Court precedent."

The case involved a postal clerk who was fired in 1983 after he wrote a column in his union's newsletter about a piece of third class mail he said he had taken from the Royal Oak, Michigan, Post Office, where he worked. The letter was from a mass mailing by Rep. Philip Crane (Rep.-Illinois) soliciting support for a bill to limit union organizing tactics.

The appeals court ruled 2-1 that Joseph V. Gordon should be reinstated because the Postal Service had punished him for exercising his First Amendment rights. In separate concurring opinions, Chief Judge Patricia M. Wald and Judge Ruth Bader Ginsburg upheld a decision by U.S. District Court Judge Gerhard Gesell that the column addressed a matter of public concern and that the firing was "substantially motivated by Gordon's protected speech."

In his dissent, Bork called Gordon's conduct "a dereliction of duty that lies at the heart of the service's responsibilities to the public." "If he were a private citizen there is no doubt that his speech would be protected by the First Amendment," the dissent continued. However, the "government has an independent interest in preserving discipline and efficiency in public services which justifies greater regulation of employee speech." Reported in: *Philadelphia Inquirer,* October 3.

commercial speech

Brookhaven, New York

A local ordinance restricting the total cumulative time a mobile sign could be located on the same premises advertising the same business to six months per year did not violate the First Amendment, U.S. District Court Judge Eugene H. Nickerson ruled August 27. He found that the law implemented the town of Brookhaven's substantial interest in promoting its visual appearance and advanced that interest without necessarily restricting commercial speech. Reported in: *West's Federal Case News,* October 2. □

(blessing censorship . . . from page 1)

sion. Anti-pornography activists began to complain, and it started to appear as if the Reagan administration would not move beyond the symbolism of impaneling the commission to a direct federal attack on material with sexual content.

All illusions about the Attorney General's lack of commitment to the pornography commission's report dissolved in October 1986 when Meese announced the first steps toward implementing the Commission's call for beefing up the federal role in obscenity prosecution. Meese outlined a package of measures, including the creation of a six-attorney Justice Department task force to press the attack against organized crime enterprises that were involved in the dissemination of obscene material; the opening of a Justice Department Center for Obscenity Prosecution, which would provide training for state and local prosecutors, and the introduction of a number of bills in Congress providing for forfeiture of assets earned from the sale of obscene material and for banning obscenity on cable television and on telephone services. Meese also ordered his Organized Crime and Racketeering Strike Force and the U.S. Attorneys around the country to focus on violations of the obscenity laws. Meese stressed that he was not after magazines like *Playboy* and *Penthouse,* which he pronounced not obscene. Instead, the emphasis would be on halting child pornography (see page 31) and material involving sadomasochism and violent or "degrading" sexual conduct (see *Newsletter,* January 1987, p. 3).

Meese's program met with a warm response from law enforcement and anti-pornography groups. The day after his announcement, the National District Attorney Association approved a policy statement urging its 6,000 members, mostly city and county prosecutors, vigorously to enforce the obscenity laws. The National Coalition Against Pornography, which had formed a Religious Alliance Against Pornography following the release of the Meese Commission report, sent an ecumenical group of church leaders to visit President Reagan at the White House in November where the President, too, promised more enforcement. Later in the month, Edward Donnerstein, a psychologist whose work was cited by the pornography commission as supporting the casual link between pornography and sexual crimes, repeated his frequent denial that his work supported any such conclusion. However, his statement appeared in an article in *Psychology Today* and, like his previous denials, attracted little attention.

The influence of the Meese Commission report on state lawmakers was evident early in the 1987 legislative sessions. The number of obscenity bills introduced in the state legislatures had been increasing for several years, rising 40 percent since 1983. Half of the increase occurred in 1987, presumably as a result of Meese Commission recommendations for state legislation. The Commission made four recommendations: that states make a second offense under the obscenity laws a felony; that they make obscenity offenses punishable under the state's Racketeer Influenced and Corrupt Organizations Act; that forfeiture provisions be enacted so that the assets arrising from the sale of obscene material may be seized; and, finally, that all states bring their definitions of obscenity into line with the Supreme Court's decision in *Miller* v. *California.*

In 1987, South Carolina was the state that came closest to fulfilling the Commission's mandate when it enacted an obscenity law that made a first offense of publishing or selling an obscene book or magazine a felony punishable by up to three years in jail and a fine of $10,000 and authorized forfeiture of all equipment used in the production and sale of obscene material. No other state went as far as South Carolina. However, eight states considered legislation making a second violation of the obscenity laws a felony; bills were introdluced in six states either to amend the racketeering laws to include obscenity offenses or to expand the forfeiture provisions of their laws, and the California legislature debated the adoption of the *Miller* definition of obscenity. The Meese Commission must also be presumed to have some influence on the sponsors of bills seeking to enact bans on obscenity for the first time in Vermont, West Virginia and Wisconsin. (Eight states currently permit adults to purchase obscene material; the others are Alaska, Maine, Montana, New Mexico and South Dakota.) In all, bills incorporating Meese Commission recommendations made up about half of the most important obscenity bills considered in 1987.

In the middle of the legislative sessions, the Justice Department announced further steps in its fight against obscenity. In February, Meese reported that he had ordered the 93 U.S. Attorneys to designate one attorney in each of their offices to specialize in obscenity prosecutions. Meese also announced the appointment of Robert Showers as executive director of the obscenity strike force, now called the National Obscenity Enforcement Unit. Showers is an alumnus of the U.S. Attorney's office in Raleigh, North Carolina, which, together with state prosecutors, claims credit for reducing the number of "adult" establishments in North Carolina from 500 to 100. On a different federal front, the Federal Communications Commission announced in April that it would determine the acceptability of programming involving sexual content on the basis of "contemporary community standards." The FCC's action was seen as an attack on discussions of sex by disc jockeys who specialize in "shock radio." However, it also invited challenges to productions like "Jerker," a drama about homosexual lovemaking in the era of AIDS, which was transmitted on Pacifica station KPFA in August 1986 (see page 29 and *Newsletter*, July 1987, p. 143). Showers refused to act on a complaint against KPFA for broadcasting "Jerker" because the new FCC guidelines were not in place at the time of the broadcast. However, he expressed his full support for the new FCC standards.

Showers was criticized in July over a lack of activity by the National Obscenity Enforcement Unit. In the ten months since Meese announced the formation of an obscenity task force, the NOEU had not undertaken a significant prosecution, although it had a staff of 9 and a budget of between $700,000 and $800,000 for fiscal year 1987. Showers defended the NOEU and the Center for Obscenity Prosecution. He pointed out that the Center for Obscenity Prosecution had held seven training sessions, four for federal prosecutors and three for state and local prosecutors. Showers claimed that the NOEU itself had assisted U.S. Attorneys in bringing three indictments and had contributed advice in "hundreds" of other cases. He said that the task of setting up his office had delayed the initiation of major cases, but he promised an increasing number of prosecutions in coming months as well as a legislative package that would be ready for Congress in December. Brent Ward, the U.S. Attorney for Utah and the chairman of the Attorney General's Advisory Subcommittee on Obscenity, Organized Crime and Child Pornography, said that NOEU was preparing major cases that would soon be made public. "I would expect that within the next 12 months there would be literally an explosion of cases on the federal level," he said.

The Attorney General's men appeared to be keeping their word in August. The National Obscenity Enforcement Unit became better known around the country. Marcella Cohen, the chief attorney of the NOEU, gave the keynote address at an anti-pornography rally in Kansas City. It was revealed that the NOEU was taking a prominent role in the prosecution of the men who had produced pornography involving the actress Traci Lords when she was still a "child" under the law. It claimed credit with former Meese Commission chairman Henry Hudson, now a U.S. Attorney in Virginia, for charging two men and a woman in Virginia under the federal racketeering law (the Racketeer Influenced Corrupt Organizations Act—RICO). The defendants, who were convicted of violating the RICO Act (see page 20), face the confiscation of their entire inventory of books, magazines and tapes, both obscene and not obscene, under the draconian forfeiture provisions of the law. The defendants were also accused of interstate transportation of obscene material. NOEU was also reported to be involved in the conviction of two Los Angeles companies for providing dial-a-porn services in Utah. Also in August, Showers promised to go after all obscene material, not just child pornography or violent material targeted by Meese in October. "Mr. Meese elevated obscenity to a top criminal justice priority," Showers explained. "We're not just prosecuting kiddie porn and violence." Pressure on the U.S. Attorneys appeared to be paying off. A Missouri federal prosecutor sent letters to St. Louis video retailers warning them not to rent or sell obscene tapes, and, in October, a U.S. Attorney in Ohio joined a civil suit to enjoin the distribution of obscene videotapes in Columbus.

Next to the section linking pornography and crime, the most controversial part of the Meese Commission report was a chapter titled "The Role of Private Action," which could be read as an incitement to citizens to exercise their First Amendment right to boycott stores exercising their First Amendment right to sell non-obscene material with sexual content. There is no question that the Meese Commission boosted the fortunes of anti-pornography groups. In one case, it made a direct contribution, for its executive director Alan Sears refused exile in the strip mining office and joined the legal staff of the Citizens for Decency through Law. The CDL has traditionally provided model obscenity laws to state and local lawmakers and legal advice to prosecutors. With the release of the Meese Commission report, it expanded its activities by providing personnel to lead the training sessions sponsored by the Justice Department Center for Obscenity Prosecution for federal prosecutors. When some of these prosecutors complained that they were not being given objective advice—and the CDL's role in the sessions became public—Showers ended the group's involvement. The National Federation of Decency has been active in the picketing of Holiday Inns that show sexually explicit movies on their in-house cable television systems. At the chapter level, the Michigan NFD is fighting dial-a-porn, while the Baltimore group is pursuing magazines and videos.

Morality in Media, a New York group, is holding its fourth national convention this year. Among the scheduled speakers are NOEU director Showers, NOEU chief attorney Cohen, Patrick A. Trueman, chief counsel of the NOEU Obscenity Law Center and Kenneth Lanning, a special agent in the FBI Behavioral Science Unit. Morality in Media is pushing a state initiative, "Pennsylvanians v. Porn," which involves a survey of 700 law enforcement officials in the state who are being asked to report the pervasiveness of obscenity in their district; the next phase will be a petition campaign this summer urging increased enforcement of the obscenity laws. The group hopes to use the Pennsylvania campaign this summer as a model for other states.

The anti-pornography group which has emerged most prominently since the issuance of the Meese Commission report is the National Coalition Against Pornography of Cincinnati. Its leader, the Rev. Jerry Kirk, has played heavily on the publicity surrounding the Meese Commission report, insisting that the fight against pornography, once confined to conservative groups on the political fringe, has now been joined by feminists and average Americans: it has been "mainstreamed." Kirk's organization of the Religious Alliance Against Pornography was a step in the process of bolstering the legitimacy of anti-pornography groups. In late March, Kirk announced NCAP's most ambitious project, the creation of a Kansas City Coalition Against Pornography that, armed with a $350,000 budget, intends to rid the city of 200 outlets of "hard-core" pornography. The Kansas City effort will also be assisted by the CDL, which plans to provide

training for local law enforcement officials (see page 7).

The Rev. Kirk is probably right when he asserts that the fight against pornography has been "mainstreamed." The major accomplisment of the Meese Commission may be that it gave new status to the movement to regulate the sale of material with sexual content. We may certainly expect to see a renewed effort to raise the penalties for the production and sale of obscene material at both the state and federal levels. Such efforts are a reason for serious concern for those who publish and sell books with sexual content. A South Carolina bookseller may shy away from running the risk of selling sexually forthright books when there is a chance that one might be judged to be obscene, subjecting him or her to public ostracism as a felon, a three year prison term and a $10,000 fine. When states increase penalties to this extent, they do not chill the distribution of books and magazines with sexual content; they freeze it. The willingness of U.S. Attorneys and state and local prosecutors to issue warnings against distributing obscene material may also lead retailers to decide that dealing in any material with sexual content is dangerous. Finally, the use of state and federal racketeering laws to enforce the ban on obscenity is a direct threat to First Amendment material that may be confiscated as a punishment for selling illegal works. Fifteen months after its release, we may safely conclude that the Meese Commission report is a dangerous work.—*Research assistance by Christie Gesler, Executive Assistant, Media Coalition.* □

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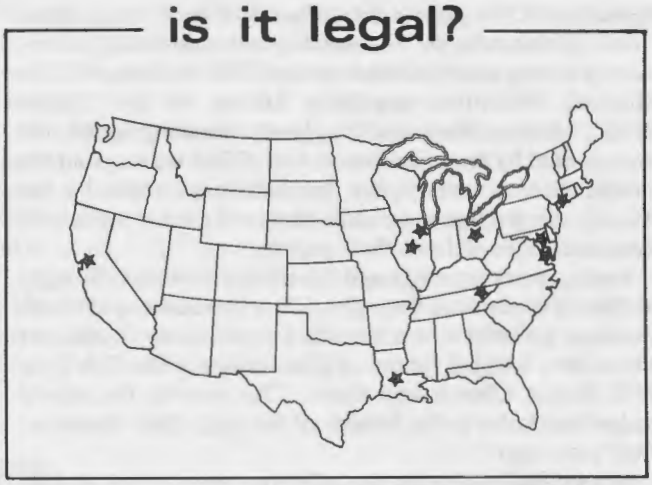
is it legal?



libraries

Fairfield, California

The Solano County Board of Supervisors killed a proposal to revise its public library display policy November 2. Under the current policy, exhibits that promote or "proselytize" a particular religion are banned from the Solano County Library system. The rejected revision stated that material would be "analyzed" to determine if federal and state laws governing freedom of religion are met and declared that the county adheres to separations between church and state as set forth in the U.S. Constitution.

"I don't understand why we're doing this. If nothing's broke why are we fixing it," said board chair Osby Davis, who led the fight against recommendations from County Counsel Charles Lamoree, Director of Library Services Ann Marie Gold, and three library advisory boards.

In November, 1986, the board of supervisors voted unanimously to overturn a library decision and allowed the Rev. Charles McKinney of the First Christian Church in Fairfield to display Bibles in the Fairfield-Suisun Community library during National Bible Week. Deputy County Counsel Harry Wyeth said the display violated county guidelines, but his opinion was dismissed by the board.

Librarian Gold allowed staff to put up a companion display with symbols for other religions and was chastised by Davis for doing so. He told Gold the county should not "get into the realm of putting forth ideas. If I see you taking the impetus in putting up another display, I'm going to object and try and do something about it," he said.

Concerned that the library would once again be called on to define an acceptable display, library staff members revised the display policy. The proposed revision stated in part: "No display of religious material will be accepted unless it has a secular purpose and has a primary effect of neither advancing nor inhibiting religion."

"That's absolutely anti-religious," Rev. McKinney charged. "And if you have the time and energy you could sue them. National Bible Week is not primarily religious. National Bible Week is intended to promote the beautiful, moral and philosophical strengths in the Bible and completely skirt any religious issues. The language used by the committee that established National Bible Week is carefully drawn to eliminate litigation, so it can be put into a secular situation," McKinney continued.

The decision to maintain the old policy was made in a 5-1 vote, with Supervisor Lee Sturn dissenting. She said the recommendations were "clear" and "fair" and said she had not had enough information during the Bible display vote. "I think my judgment [at that time] was in error," she said.

Sturn tried to have the discussion continued but got no support. Nothing that two Christian pastors addressed the board on the issue, she said she was "disturbed" leaders from other faiths were not present. She also vowed to change the board's practice of beginning each meeting with a Christian prayer. Reported in: *Vallejo Times-Herald,* September 20, November 4.

religion in schools

Fisher, Illinois

A group of parents in the Fisher School District are seeking to have creationism taught in school science classes. "We would like to be able to see creation presented as a theory," parent Chris Cender said. "We're not pushing for teaching creationism totally in the schools. We're asking for equal time."

Both Cender and parent Terry Haanstadt appeared before the Fisher School Board September 21 to raise concerns about the district's science curriculum. Board members agreed to look into the matter before the spring semester.

"It's a non-issue," said school superintendent Russel Ross. "They just wanted to find out from the school board how creationism could be presented. They felt it should have equal time. Nobody had a petition, nobody got upset."

Cender, who said she first noticed the emphasis on evolution by thumbing through her children's textbooks, is concerned that presenting only evolutionary theories will encourage students to accept them as fact. "Any time that amount of time is given on one subject, it is going to lead a child to take it as more factual," she said.

Cender said she and other parents would like to work with the district in presenting creationism to students as a theory, similar to Darwin. Some board members questioned the legality of introducing biblical teachings in public school classrooms. Board member Esther Lutz suggested parents cover biblical teachings about the creation with their children at home.

But Cender said the parents want "equal representation" for creation theories. "Many of us are church-going people and believe creation as fact," she said. "We are creationists, but we encourage our children to understand the theory of evolution. The equal representation of theories, a balance of theories, would be healthy."

As for the question of religion in schools, Cender said evolution could be construed as a religion "because you're taking God out." Reported in: *Champaign News-Gazette,* September 22.

Lake Charles, Louisiana

A 1987 Sam Houston High School graduate has filed suit in U.S. District Court against school officials for censoring her valedictory speech because of its religious content. According to Angela Kaye Guidry, she and other students who were to speak at graduation ceremonies met with principal Kerry Durr who asked for a written transcript of the speeches. Guidry complied, and in her presence, she claims, Durr read her speech and said, "You can't argue with that."

Nevertheless, three days later she received a phone call from Sylvia Seals, a school guidance counselor, who asked Guidry to make some changes. The next morning at a rehearsal, Guidry's suit charges, Seals "engaged in a tirade of criticism leveled at the plaintiff and the content of the plaintiff's speech . . . . The defendant [Seals] grabbed her arm and continued making derogatory and slanderous remarks about the plaintiff's personal beliefs and the sincerity of the plaintiff's religious convictions."

After the rehearsal, Guidry asked Durr if there was a problem with her speech and was told that given the religious content of her speech, someone could be offended. When Guidry refused a request to alter her speech, Guidry was advised she would not be permitted to speak.

In her suit, Guidry said a valedictory address is "a personal bidding of farewell by a graduating senior to her fellow classmates, teachers and friends. The plaintiff . . . elected to share . . . the motivational basis for her academic success. Since plaintiff attributes this success to a deep, personal commitment to her religion, she desired to freely express this commitment and share this commitment with her classmates." Reported in: *Lake Charles American Press,* November 11.

Elizabethton, Tennessee

Two thousand Christians—carrying American flags, signs and umbrellas—marched a mile through pouring rain September 12 to protest the removal of Bible study from Carter County schools. The marchers were protesting a decision by county school officials to ban CBM [Children's Bible Mission] Ministries—popularly known as the "Bible ladies"—from continuing Bible classes following a $600,000 lawsuit filed by three families in July. CBM leaders said the classes were voluntary, but the families, backed by the ACLU, charged that some children were forced to participate despite objections from their parents.

Singing patriotic songs and hymns the marchers, brought on church buses from throughout East Tennessee and North Carolina, gathered across from the Carter County Courthouse where Rev. Richard Adams of Elizabethton's East Side Free Will Baptist Church told them, "No wonder the school budget has holes in the bottom of the bag. They threw out God years ago."

Among those attending the rally were several parents who were parties to the lawsuit in neighboring Hawkins County against a series of reading textbooks which the parents charged promote "secular humanism" (see page 17). Although different issues are involved in the two controversies, Hawkins County parent Jennie Wilson said "there is a similarity." More than $1,300 was collected at the rally to support Concerned Women of America, which is backing the Hawkins County appeal.

Wearing an "Ollie for President" cap, Wilson acknowledged her desire to bring Christian teachings into public schools, saying, "If it's not of Jesus Christ, it's of Satan. If we're not teaching about the Bible, somewhere along the line we start studying witchcraft, magic spells, and Satan."

Several Hawkins County schools also had "Bible ladies" teaching classes until 1986, when a similar controversy arose in Claiborne County (see *Newsletter,* March 1987, p. 62). The Bible lessons were stopped and Hawkins County School Superintendent Robert Cooper said he expected protests.

CBM Ministries approached the Hawkins County school board in June, asking to begin an after-school "latchkey" program, including Bible reading, at Mount Carmel Elementary School, but this was denied. Reported in: *Kingsport Times,* September 13.

student press

Westminster, Maryland

A high school student newspaper voluntarily turned over photographic negatives of a Ku Klux Klan rally to the Carroll County state's attorney in late September after a local daily newspaper refused.

"We, as a class, talked about our rights as American citizens," said Cathy Berry, adviser for *The Owl* of

Westminster High School. "We, as a staff, felt that if we as citizens had something to show to help somebody we would. We felt our First Amendment rights would not be violated."

The Maryland Grand Dragon of the Ku Klux Klan's Invisible Empire, Roger Kelly, faces one count of burning a cross at a September 12 rally. State's Attorney Thomas Hickman had issued an administrative summons for pictures taken at the rally, but the *Carroll County Times* refused to comply. The editor, Gene Bracken, said many photographers were at the public event and that the prosecutor could easily have hired someone. Reported in: *New York Times*, October 5.

FBI

New York, New York

More than 50 American authors and dramatists—including such Nobel laureates as Ernest Hemingway, Pearl Buck, Sinclair Lewis, John Steinbeck, and William Faulkner—were the subjects of dossiers compiled by the F.B.I. and other government agencies during the last half century, according to an article by Herbert Mitgang in the October 5 issue of *The New Yorker*. A similar article, by Natalie Robins, appearing in the October 10 issue of *The Nation*, included a list of 134 writers whose intelligence files were released to the author. Among the writers investigated and still active were E.L. Doctorow, Norman Mailer, Elizabeth Hardwick, Howard Fast, Kay Boyle, and Arthur Miller.

The *New Yorker* article said the writers were under surveillance for "supposed crimes as serious as espionage and as vague as subversion." However, the article added, none were "ever convicted of any crime attributed to them by the F.B.I. or other federal agencies." Authors often came under suspicion, Mitgant wrote, "because of what they chose to write about; because of writers' organizations they belonged to or writers' meetings they attended; because of petitions they signed or publications they subscribed to; or because of places where they travelled."

"The dossiers show that some writers were kept under scrutiny during most of their writing lives," Mitgang said. "So far as I know, the only one who suspected that he was being watched was John Steinbeck." According to Mitgang's article, Steinbeck was denied an Army commission on the basis of his F.B.I. file. The F.B.I. also wrote a letter to a private organization in Chicago to support its condemnation of a novel by Nelson Algren.

According to the *Nation* article, poet Edna St. Vincent Millay came to the F.B.I.'s attention when she entered a "free trip to Russia" contest. Reported in: *New York Times*, October 1.

broadcasting

Washington, D.C.

Clarifying its landmark decision last April to rewrite the rules on indecency on radio and television (see *Newsletter*, July 1987, p. 143), the Federal Communications Commission (FCC) on November 24 gave stations effective license to broadcast indecent materials between midnight and 6 a.m. The commission rejected requests that it detail what it would consider indecent, saying that broadcasters must decide for themselves based on a 25-word definition the commission endorsed last spring.

Last April, the FCC abandoned an 11-year-old practice of defining indecency on the basis of "seven dirty words" made famous in a case eventually heard by the Supreme Court. Instead, the commission said that indecency would henceforth be identified using a 1978 Supreme Court definition as "material that depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs."

After the April decision, broadcasters complained that the FCC had not only given them a vastly broad definition of indecency, it had not given guidance on how to decide whether children might be in the audience. Broadcasters asked that a general rule be established allowing airing of the material after 10 p.m.

The midnight to 6 a.m. "window" was adopted, the commisison said, because at that time children are unlikely to be in the audience. "After midnight, the onus will be on parents to supervise their children" said FCC general counsel Diane S. Killory.

The FCC refused to give a list of words or pictures that would be considered indecent at all times, saying that "context" was key to any determination. It did say that any "merit"—whether artistic, political or other—found in a program would be considered in deciding whether the program was indecent. But it ruled out promising that any program found to contain merit of some kind would automatically be ruled not indecent.

The National Association of Broadcasters (NAB) criticized the ruling, calling it "too vague," but welcomed the time specifications. "At least the FCC saw fit to establish a safe harbor at midnight," NAB senior vice president Jeff Bauman said. "But based on what was said at today's meeting we have grave concerns as to whether or not the FCC's indecency policy is too vague and we will have to examine the document very carefully to determine whether legal action is in order."

Morality in Media, an antipornography group, said the FCC had "pushed the pig into the parlor" by creating the post-midnight window and had overstepped its authority. "The federal broadcast law, passed by Congress—not by the

FCC—prohibits obscene and indecent broadcasting and has no window," the group said. "It applies 24 hours a day."

From the other side, however, civil liberties groups joined broadcasters in faulting the lack of precise definition of indecency. Barry Lynn of the ACLU called the action "a totally inadequate resolution for this matter. The heart of the problem with the April decision was that they present a very fluid definition of indecency and thus tend to persuade broadcasters not to deal openly with sexual topics, either humorously or seriously. Any sexual allusion could be subject to FCC administration action under that rubric, and that is very dangerous in a free society," Lynn said.

FCC Chair Dennis Patrick rejected suggestions of damage to free expression. "I'd put this commission second to none in terms of our fidelity to the First Amendment," he said before the commission voted 4-0 to enact the new rule. Reported in: *Washington Post,* November 25.

Washington, D.C.

Congressional supporters of the Fairness Doctrine, abandoned by the Federal Communications Commission in August (see *Newsletter,* September 1987, p. 189), began another attempt in November to mandate the policy. Arguing in favor of "freedom of the press for the public," Senate Commerce Committee Chair Ernest Hollings (Dem.-S. Carolina) pushed through this committee a bill restoring the Fairness Doctrine—and tying it to a new, largely unrelated, $275 million telecommunications tax.

Hollings earlier sponsored one bill to make the doctrine law, but President Reagan vetoed it. By attaching the proposal to a tax which will help reduce the federal deficit, Hollings hoped to prevent another such presidential action. The tactic was endangered, however, when it appeared that deficit-reduction talks between Congress and the White House came up with other proposed assualts on the deficit.

Hollings' House counterpart, Rep. John Dingell (Dem.-Michigan), planned to attach a Fairness Doctrine bill to a continuing resolution, which authorizes government spending. Sen. Hollings said he might do the same if his initiative failed. Reported in: *Wall Street Journal,* November 18.

Washington, D.C.

Responding to a federal court ruling, the Federal Communications Commission (FCC) reopened the books October 20 on one of the most controversial broadcast issues, whether the agency should limit the amount of advertising on children's television programs. The commission voted 4-0 to ask for public comment on how, if at all, it should limit time devoted to such advertising. Previous limits were abandoned as part of a general deregulation of television advertising in 1984.

"I think it's nifty that they are finally putting this issue on the public records," responded Peggy Charren, president of Action for Children's Television which brought a suit that resulted in the move. "Through the whole Reagan administration, all these children's television issues have been discussed in the back room."

In June, Judge Kenneth W. Starr of the U.S. Court of Appeals for the District of Columbia ruled that the FCC did not give sufficient explanation of its decision to include children's television in the deregulation, and he sent the case back to the commission. The FCC did not give proper weight, Starr said, to arguments that market forces do not work with children.

The National Association of Broadcasters responded to the decision with caution. "Broadcasters will certainly continue to be concerned about government intervention in commercial time practices," said Glenn C. Wright, chair of its children's television committee. "The majority of broadcasters are adhering to the old code."

The reopening of the issue will give critics another chance to force recognition of what many call "program-length commercials" and open the possibility of banning them. These are children's shows that are sponsored by toy companies that sell dolls and figures of the show's characters and other paraphernalia from them. Reported in: *Washington Post,* October 21.

privacy

Washington, D.C.

Thanks indirectly to defeated Supreme Court nominee Robert Bork, it could become a crime in the nation's capital for video stores to give out information on the kinds of tapes rented by customers. Supporters and opponents of Bork's nomination both decried the invasion of privacy committed by a Washington video store when it informed a local weekly newspaper of some 146 videos rented by the Bork household during a two year period.

The article spurred the District of Columbia City Council to make it illegal for video rental stores to release lists of films rented by private citizens. Under the proposal—which enjoyed initial unanimous support among council members—violators could be found guilty of a misdemeanor and face up to $300 in fines for each violation. Customers claiming to be "injured as a result of the disclosure" of video tape or disk rental records could also bring civil action against the violator. Reported in: *Variety,* October 21.

obscenity and pornography

Washington, D.C.

Warning child pornographers that "your industry's days are numbered," President Reagan asked Congress November 10 to enact legislation giving federal prosecutors the power to crack down on sexual exploitation of children. Reagan presented his proposed "Child Protection and Obscenity Enforcement Act of 1987" as a response to grass-roots demand.

The legislative package, expected to be closely scrutinized by civil liberties groups, would place child pornography under federal racketeering statutes. The proposal would make it a crime to receive or possess obscene material with intent to sell and would give prosecutors the right to move against computer networks and parents who permit their children to be used in pornography. Reported in: *Washington Post*, November 11.

Columbus, Ohio

A civil suit seeking to ban the sale, rental, or showing of a dozen sexually explicit videos was filed September 28 in Franklin County Common Pleas Court. The suit was filed by City Attorney Ron O'Brien, county prosecutor Michael Miller, U.S. Attorney Michael Crites, Franklin County Sheriff Earl O. Smith and four police departments. It seeks an injunction barring films including *Deep Throat, The Devil in Miss Jones, Debbie Does Dallas, Around the World With Johnny Wadd,* and *Taboo.*

O'Brien said the suit seeks to determine community standards. He said authorities wanted to charge a "mix" of films available that previously had been deemed obscene in Ohio or elsewhere, featuring "recognizable names." Some titles, he said, had been on cable television and some have not yet been ruled obscene by a court.

Should an injunction be issued, "video distributors would be on notice and would have to act accordingly. If an individual video store continued to sell or rent a tape violating the injunction, there could be a contempt action and criminal prosecution which would clearly indicate knowledge in their part of the character of the material," O'Brien said.

The videotapes were purchased by undercover investigators from area video and book stores, who make up the great majority of the sixteen defendants. A cable televisions company, Coaxial Communications, was also named as a defendant because it aired the film *Debbie Does 'Em All.*

Two days after the suit was filed, some 250 law enforcement officers and prosecutors attended a symposium in Columbus aimed at providing legal tips and encouragement in what was termed part of a nationwide drive against allegedly illegal pornography by the U.S. Department of Justice.

H. Robert Showers, executive director of the Justice Department's National Obscenity Enforcement Unit, said the Columbus gathering was one way the department was helping local law enforcement. He said the department uses task forces, special attorneys, and cooperative efforts among local, state, and federal officials to combat illegal pornography.

At the meeting, Showers emphasized the distinction between legal pornography and illegal obscenity, telling officers there are three criteria to determine whether something is obscene. "Pornography is basically all sexually oriented material intended for the arousal of the reader or viewer," he said, explaining that this is a broad category which includes illegal material such as adult obscenity, child pornography, and harmful-to-minors material. Reported in: *Variety*, October 7.

etc.

Chicago, Illinois

In an order issued August 6 by executive director Robert Paaswell, the Chicago Transit Authority (CTA) ordered its 13,000 employees not to respond to questions from reporters. The order told employees that "all requests for interviews and information from the media are to be referred to and responded to" by Paaswell or media relations chief Rosemarie Gulley. Failure to comply with the order could result in disciplinary action.

ACLU staff counsel Jane M. Whicher branded the order "blatantly unconstitutional," saying it went even further to restrict information flow than a Cook County Hospital directive overturned in September by a federal judge (see *Newsletter*, November 1987, p. 234).

"The Supreme Court has made it clear time and time again that public employees have First Amendment rights that cannot be limited by the employer in this way," Whicher said. "Regulations like this are extremely dangerous because they keep secret government activities that must be monitored."

Gulley countered that the order was intended to facilitate the flow of information—not to impede it. "It's good management," she said, "to have a central clearinghouse for inquiries that come in so the public affairs department knows what the questions are and can work on getting the answers."

CTA Board member James I. Charlton said he told Paaswell the order is "questionable legally" and suggested that agency attorneys consider rewriting it. Reported in: *Chicago Sun-Times*, October 20.□

success stories

libraries

Hopkinsville, Kentucky

Acting on the recommendation of a parent-teacher review committee, the Christian County Board of Education voted 5-0 November 3 to reinstate John Steinbeck's *Of Mice and Men* to county school libraries and English classes. The board also changed school policy to ensure that no books will be pulled from shelves in the future when a complaint is filed.

The book had been challenged by parent Jerry Coley after it had been assigned in his daughter's English class at Christian County High School. Coley said vulgar language in the book bothered him. "Because I am a Christian and my child is a Christian, I find it offensive," he said. "This book and all other works by this author lack any literary value. The book was written in terrible and improper English and had a plot that only someone with their mind in the gutter could have written. This work is not fit for a mature mind to read, much less for our young students," he wrote.

"If a teacher used the word 'God' in normal teaching, she would get in trouble and probably sued by the ACLU, and I don't think it's all right to use 'God' when cursing either," he said. "If I have to sue, I will to get this off the shelf. That's not a threat, it's a promise."

Coley was more conciliatory after the board vote. "Frankly, I don't think these books have a place in school, but that's my own personal opinion," he said. "We tried to go for a lesser thing, the parental consent, where a parent would at least know ahead of time that his child is going to be taught from a book that was objectionable material or objectionable language in it. From the rhetoric that I heard in there, I don't know if we got it or not," he continued.

Coley's daughter was given the option of reading Thornton Wilder's *Bridge at San Luis Rey* instead and board members made clear that students are given the opportunity to read other books when they find one objectionable. The board also passed a resolution calling for the formation of a committee to "review the procedures by which students and parents receive information regarding curriculum materials; the options available to parents or students who find specific materials objectionable and how these options are communicated; and the procedures by which assignments may be questioned or challenged."

"She was not required to read this," Coley acknowledged, but, he charged, "she had to stand out like a sore thumb for being a good girl." The board committee was to be composed of two board members, the principals and heads of the English Department at the county's two high schools, two other English teachers, and two parents, including at least one of Coley's supporters in the local chapter of Citizens for Excellence in Education.

The decision to change the review policy to mandate removals only *after* a review process is complete was prompted by the fact that, in accordance with the previous school policy, the Steinbeck novel had been taken away from students when Coley's complaint was filed. This led Christian County High Principal Kay Lancaster to complain that the policy created unnecessary difficulties. "We might as well wipe the slate clean," she said. Board member Dr. Wade Kadel added that he received complaints from constituents who "believe the book was ruled guilty prior to a hearing, due process or study." Reported in: *Hopkinsville New Era,* October 21, 24, 27, November 4.

Las Vegas, Nevada

A review committee at Paul E. Culley Elementary School voted 6-1 November 5 to leave the book *Nightmares,* by Jack Prelutsky, on the shelves of the school library. The decision culminated nearly three weeks of controversy in which representatives of the ACLU and the Intellectual Freedom Committee of the Nevada Library Association (NLA IFC) successfully fought to open the review process to public scrutiny.

Nightmares was challenged by parents Lorraine Bailey and Karen Bushman. They charged that parts of the book, especially a poem called "The Ghoul," were too frightening for small children. "I don't want my son to feel afraid about going to school," Bailey said. Culley librarian Eileen Kollins said the book is one of the most popular in the school.

Bailey and Bushman did not attend the review committee meeting. They charged that district library consultant Jean Spiller had "acted in a non-professional manner" when she

informed James McPhee, chair of the NLA IFC, about the complaint. "She should have kept this between parents and librarian," Bushman said. "It got way out of hand. "I don't know if it would have turned out any differently, but at least it would have been between parents and the school, rather than being world-wide news."

McPhee was happier about the procedure. "When this is done in secret," he explained, "they don't have to be confronted. They don't like organized opposition." Sari Aizley of the ACLU said her group had been informed of the controversy by a concerned parent. The two organizations protested a district policy which closed book review meetings, effectively limiting public comment to those challenging materials. Aizley called on the Clark County School Board to review previous book removals and restrictions on the grounds that the public had no opportunity for input. Reported in: *Las Vegas Review-Journal,* October 21, November 3, 4, 5, 6; *Las Vegas Sun,* November 6.

schools

Visalia, California

Two days of sit-ins by students at Visalia's Mount Whitney High School apparently caused school administrators to back down from a decision to leave the senior class picture out of the school yearbook because two students in the photo used a volleyball to feign a pregnancy. On October 31, Robert Line, superintendent of the Visalia Unified School District, went to the school and defused the protest by promising the class picture would be reshot and run in the yearbook.

The dispute began when two senior boys, who were sitting front row center, apparently ignored a warning not to disrupt the original photo session. One of the boys put a volleyball under his shirt and the other boy pointed to the bulge.

Senior class representative Lorie Yale said the seniors did not approve of the boys' action, but offered administrators several compromises to insure the picture's use. But school principal Eugene Sheesley "wanted to hand us an ultimatum," she said. He ruled the picture would not be published. In response, "we decided unanimously not to go to class and told them 'no way!'" Two days of lunchroom sit-ins followed.

Sheesley refused to talk with students, but Line met with Yale while the protest continued. The two agreed that the picture would be retaken, but that due to printing deadlines it would not occupy its traditional place at the center of the book. Reported in: *Fresno Bee,* October 31.

Tipp City, Ohio

The Tipp City school board voted unanimously September 28 to retain the Red Devil as Tippecanoe High School's mascot despite objections by parents who said the symbol offended their religious convictions. The 5-0 vote affirmed the recommendation of an advisory panel formed by the board to study the issue. An interdenominational group of parents had said the mascot violated the constitutional principle of church-state separation (see *Newsletter,* November 1987, p. 225).

School Superintendent Dean Pond said he had expected the school board to keep the mascot and hoped no one's feelings were hurt. He said most people in the southwestern Ohio community felt the mascot was simply a traditional symbol, with no religious meaning. Reported in: *Findley Courier,* September 29.

foreign

Guatemala City, Guatemala

The Guatemalan military was ordered to release sixty supposed "Marxist-leaning" books confiscated from a bookstore owner in a ruling considered a first in a country long ruled by the military. The books were seized from Guatemala City bookseller Miguel Angel Ordones Pineda at a border checkpoint.

In a November 16 ruling, Guatemala's newly created prosecutor for human rights argued that confiscation of the books violated "freedom of thought" and said that no laws or government regulations should restrict the free circulation of literature. Reported in: *Baltimore Sun,* November 17.□

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