

newsletter on intellectual freedom



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"Now that the New Right has lost battles in the courts over secular humanism, basal readers and evolution, we can relax," a superintendent told me. "We no longer need fear the charge that public schools are preaching the so-called religion of secular humanism."

"The schoolbook protesters will not give up so easily. The secular humanism issue will stay around for another decade at the very least," I predicted.

I think you're wrong. It's time to quit worrying about unfounded charges and get on with educating the young."

"I agree that we should concentrate on education, but I also think we must be prepared for more attempts to remove books and courses from the schools. Secular Humanism is still a burning issue in some circles, and charges that other religions are being taught in the schools are not uncommon."

"What other religions?"

"New Age and globalism."

"I seriously doubt that they are religions," the superintendent said.

"That's the charge. For several years ultra-conservative critics of the schools have been denouncing the New Age movement as a religion that is creeping into the schools. They maintain that globalism is part of that religion. A few critics call globalism a separate religion. Others seem to believe that secular humanism, globalism, and New Age have been melded into one religion."

"You're not serious."

I pulled a book from a shelf and showed it to the superintendent: *Globalism: America's Demise* by William M. Bowen, Jr.¹ Then I read this paragraph from page 15: "Globalism, humanism, socialism, feminism, illuminism, New Age, etc. are all the same animal: the differences are semantic and inconsequential."

"This book is an attack on secular humanism, globalism, and the so-called New Age religion," I said. "It's only one of a dozen such books."

"Will the attacks ever end?"

"Not so long as some people are unhappy with public education," I said. "Not so long as publishing houses know that such books sell thousands of copies. For example, *Dark*

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target of
the censor**

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targets of the censor

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

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IFC meets FBI

If FBI agents asked librarians or library employees to violate state statutes protecting the confidentiality of library records, they did so unknowingly, FBI agents stated in a September 9 meeting with the ALA Intellectual Freedom Committee. The Bureau continued to defend its controversial Library Awareness Program and other counter-intelligence efforts affecting libraries, admitting only that these "ought to have more strict guidelines."

"If we see a circumstance based on our continuing coverage where we think we need to brief some more libraries, then we'll do that," James H. Geer, Assistant Director of the FBI, Intelligence Division, told the committee. "But we'll do that in accordance with new policy that we will institute, that will start with—number one thing—will be that the chief librarian will be the first person to contact."

Geer was joined at the meeting by Thomas DuHadway, Deputy Assistant Director of the Intelligence Division; James Fox, agent in charge of the FBI's New York office; and FBI agents Terry Turchie, Chief of the Soviet Intentions Section, Intelligence Division; and Linda Reel, counsel to James Geer.

Representing the IFC were chair C. James Schmidt and committee members Gordon M. Conable, Mark C. Goniwiecha, Pam Klipsch, Ginny Moore Kruse, Gene D. Lanier, Ann E. Prentice, Mary E. Raphael, Judith Sessions, and Wallace White. They were joined by Judith F. Krug, Director of the ALA Office for Intellectual Freedom; Patrice McDermott, former OIF Assistant Director; ALA counsel Mary Hutchings Reed; and Freedom to Read Foundation counsel Bruce J. Ennis. Patricia Wilson Berger of the Information Resources and Services Division, National Bureau of Standards, attended as an observer on behalf of ALA President William Summers and the ALA Executive Board.

Responding to questions from the IFC, agents Geer, DuHadway and Fox were careful to distinguish between the FBI's Library Awareness Program and other incidents in which FBI agents questioned librarians or library employees in the context of ongoing investigations of identified foreign intelligence agents.

"The Library Awareness Program was conceived in New York. . . . [to] articulate our concerns about the operations of the Soviets—that the Soviets do come in libraries, that the Soviets do develop a relationship with librarians that is not intended to further academic freedom in the world, and that they do ask for volumes of material, and we even made reference in the past to the theft of materials. . . .," Geer explained. It was further explained that the '80s version of the FBI Library Awareness Program (there was an earlier Library Awareness Program in the '70s) was limited to 21 contacts with libraries, the last of which occurred in December 1987.

By contrast, the agents contended, other incidents outside the New York Area that have been confused with the Library

Awareness Program involved investigations of specific individuals, although they admitted the distinction was not always made clear. "[W]hat we need to do is somehow—we're having an awfully difficult time, and I admit it at the outset—define our interests for you, and make it very, very clear to you that this is no broad sweeping kind of program, that we thought it was focused and it was focused. It needed to be structured a little better and it needed some more strict guidelines in which these agents can operate and it needed to have used nothing but experienced agents who would be competent to articulate our interests to the people involved," Geer said.

Nevertheless, he asked the committee, "Why do you find it in any sense unusual for an FBI agent to come in to interview a librarian?" Schmidt responded that "on the facts of the visitations about which we have knowledge. . . ., the inquiries made by FBI personnel were directed at personally identifiable information about some user or users of that library. . . . [and that] inquiries made by the agents were right up front for personally identifiable information or very rapidly led to [such requests]."

While Geer stated, "I don't know of any instances where we've ever knowingly asked anyone to violate a state statute," he added that state confidentiality statutes "when they were proposed, never considered this kind of thing. My sense of it is that the state legislatures . . . might have built some flexibility in there. I have no interest in what library user is going into the library or [in what they are] reading," he said. However, the agent added, "a Soviet or a Soviet student is another thing."

"It doesn't make any difference that the law only protects circulation records," Judith Sessions told the agents. "The ethics of our profession protect the informational conversations which we have with [patrons]. In other words, it may only be what he checked out that is protected by law, but if he talked to us about looking for hydrogen fusion information, we consider ourselves ethically bound to keep that to ourselves. That is a trust. Collectively, the reference interview is bound by our ethics for confidentiality."

The meeting left many questions unanswered, and several IFC members expressed disappointment that the FBI representatives were unable to provide more detailed factual information. The sole constructive accomplishment of the meeting was the suggestion, favorably received by both sides, that ALA provide the Bureau with a written statement describing and explaining librarians' ethical obligations for distribution to agents, and that the Bureau reciprocate with a written statement explaining the structure, purpose and goals of the Library Awareness Program for distribution to librarians.

"[A]fter the time we've spent here . . ." Geer said, "I still can only say I see our obligation, I see it twofold, one

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student journalists look to the states

For high school journalists worried about the possibility of censorship by school administrators, the U.S. Supreme Court's January decision in *Hazelwood School District v. Kuhlmeier* was a major defeat (see *Newsletter*, March 1988, p. 35). But *Hazelwood* prompted a scramble for counteractive measures among state legislatures (see *Newsletter*, July 1988, p. 115). Although as yet only one new proposal has become law, student journalists may eventually enjoy greater protections under some state laws and regulations and some state constitutions than those granted by the U.S. courts.

Only California and Massachusetts thus far have enacted laws designed to curb abuses against the student press, although other states have attempted to pass such statutes and in many there are plans to submit bills next year. California's statute, Education Code Section 48907, enacted in 1983, delineates public school students' rights to free expression. It makes student editors themselves responsible for the content of their publications, granting supervisory control to an official advisor. Prior restraint of official school publications is prohibited unless the material is obscene, libelous or creates a clear and present danger of a disruption in school activity.

With this law, California has in effect created a sort of time warp, operating its state under the guidelines created by the U.S. Supreme Court's 1969 decision in *Tinker v. Des Moines School District*, the controlling case for student journalism in pre-*Hazelwood* times. The first real test of the California law came in late January, in *Leeb v. DeLong*. Although the student plaintiff lost that case, California's Court of Appeal found the law was solid enough, with the backing of the California Constitution, to withstand *Hazelwood*.

In Massachusetts, Governor Michael Dukakis on July 14 signed into law that state's student press protection act. The statute modified a portion of the state's civil code that had left several preceding provisions, including 1974's Chapter 71, Section 82, "Right of Students to Freedom of Expression," as optional. The changed statute, Chapter 71, Section 86, now makes Section 82 mandatory.

The Massachusetts law says students have the right to speak, write, publish and distribute their views, to express themselves through symbols and to peaceably assemble on school property. The only exception stated is if these activities create disorder or disruption within the school.

The section also protects school officials by declaring: "No expression made by students in the exercise of such rights shall be deemed to be an expression of school policy and no school officials shall be held responsible in any civil or criminal action for any expression made or published by the students."

The bill passed sooner than anticipated, since the initial enthusiasm for it in the wake of *Hazelwood* quickly died down. Indeed, according to one research analyst for the

legislature's Joint Education Committee, "A lot of people are starting to wonder if the language in Section 82 is strong enough to protect students from *Hazelwood*."

Although state laws are the best type of protection a student journalist can have, some limited protections are offered by state board of education policies listing student rights and responsibilities. Boards in eight states (Connecticut, Massachusetts, Michigan, Minnesota, Pennsylvania, South Dakota, Washington, and West Virginia) and the District of Columbia have such policies.

Unfortunately, these policies often provide little explicit protection. Most are vague statements, and few expressly mention student publications. Indeed, Pennsylvania and the District of Columbia are the only places where government legal counsel think their state departments of education could compel local school administrators to behave according to policy prescriptions. States that do have policies have no record of their use as the basis for a lawsuit by censored students against a school. Of course, this does not rule out such a possibility in the future.

The free speech provisions of state constitutions also have yet to be used to argue that students deserve a stronger shield against censorship than the Supreme Court allowed in *Hazelwood*. In fact, the Supreme Court itself has said actions should be brought under state grounds whenever possible. Justice William Brennan, for one, has chastened lawyers for too seldom applying the constitutions of their own states.

"The essential point I am making, of course, is not that the U.S. Supreme Court is necessarily wrong in its interpretation of the federal Constitution, or that ultimate constitutional truths invariably come prepackaged in the dissents, including my own, from decisions of the Court," Brennan wrote in a 1971 opinion. "It is simply that the decisions of the Court are not, and should not be, dispositive of questions regarding rights guaranteed by counterpart provisions of state law."

The U.S. Supreme Court cannot reverse a state court when the decision rests on an interpretation of the state's own constitution. However, a state court must be explicit in its reasoning, and be able to demonstrate that its decision was based solely upon the state constitution and state law.

State constitutions have served with increasing frequency as a basis for decision-making, but their free press provisions have been little used. Even where state protections are cited, the courts have tended to construe these as little more than reiterations of the First Amendment, hence opening the door to federal jurisdiction. States do have the option, however, of giving their citizens greater rights. In Alaska, for instance, it is legal to possess small amounts of marijuana for personal use, since the state courts have interpreted the state's privacy right as greater than that afforded by the U.S. constitution.

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■ censorship continues unabated; extremists adopt mainstream tactics

new survey finds:

Censorship remains a persistent problem for public schools despite court rulings that rejected challenges of textbooks. That was one conclusion of *Attacks on the Freedom to Learn, 1987-88*, People for the American Way's sixth annual survey of school censorship controversies and other challenges to public education. The report documented "an energized movement of extremists pressuring public schools on a broad range of fronts."

Counting 157 incidents of "extremist pressure on school systems or outright censorship challenges in the 1987-88 school year," the report concluded that "far right" organizations were shifting their tactics away from individual efforts to pull certain books out of classrooms or libraries to "mainstream" political tactics.

"As much as anything," People for the American Way President Arthur J. Kropp told a news conference, "the report is testimony to the political maturation of the Far Right. Their goals are just as destructive as ever, but their tactics have become more creative. They have learned from their setbacks in the courts in recent years and are developing mainstream tactics to achieve extremist goals. Instead of restricting their efforts to censoring textbooks already in the schools, they're now working to pressure textbook selection committees or lobby state legislatures into approving curricula that pass a narrow sectarian litmus test. More and more, they are operating within the system. That is certainly their right, but it underscores how important it is that parents who support the schools step forward to meet the challenge."

The report describes two kinds of activities. One, "challenges to instruction," includes attempts to remove or restrict school books, programs or instructional materials. The second, "other incidents," covers what the group called "a broader array of tactics, beyond censorship, now being used to impose an ideological or religious agenda on public education. Among some of the report's specific findings:

- Of the 157 documented incidents, 50 were in the South, which led all regions; 46 were in the Midwest; 42 in the West; and 19 in the Northeast. Several regional trends emerged: the West led the nation in incidents based on charges of "satanism;" the South led in challenges to sex education; the Midwest led in efforts concerning creationism. Incidents occurred in a total of 42 states.

- Censors were successful in some measure in more than a third of all attempts—removing books from school curricula and library shelves, or restricting access to books and materials. In Arlington, Texas, a high school production of *A Chorus Line* changed a homosexual character to a victim of child abuse and deleted references to sex.

- The most frequent target of censorship was John Steinbeck's classic novel, *Of Mice and Men*, attacked in Illinois, Iowa, Kentucky, Maine, Oregon, and West Virginia. The most frequently challenged authors were Steinbeck and Judy Blume (seven challenges each); the horror writer Stephen King (four); and Robert Cormier and J.D. Salinger (three each).

- The focus of censorship attempts has shifted from traditional "far-right scare words" such as "secular humanism" or "globalism" to such charges as "offensive language" and "satanism and the occult." The charge of "offensive language" was raised against recognized works of literary merit ranging from *All Quiet on the Western Front* to *One Hundred Years of Solitude*. Charges of "satanism" were directed against children's books, including Maurice Sendak's *Where the Wild Things Are*, and school celebrations of Halloween. In Crown King, Arizona, a teacher renamed her 666 Reading Club after parents and school board members objected that the number was a sign for the devil. The teacher had picked the number as the goal for how many pages students should read each month.

- Activists continue to pressure for the teaching of the religious doctrine of creationism, in spite of a 1988 Supreme Court ruling striking down so-called "balanced treatment" creationism laws.

- Health and sex education curricula, including those designed to protect children from teen pregnancy, drug abuse, AIDS and other diseases, have come under renewed attack. In one example, the report said Concerned Women for America presented the Barlow, Florida, school board with a petition with 4,456 signatures opposing teaching about contraception in sex education courses. The board agreed that the courses should stress abstinence and not mention contraception.

- "Far right groups," like Concerned Women for America and Citizens for Excellence in Education (CEE), have taken to using the state and local textbook and curriculum adoption process as a platform to launch their crusades on teaching materials. CEE, the report charged, has sought the return of all proposed textbooks in Texas for "inclusion of Bible-based studies." Rebecca Hageline, director of communications for Concerned Women for America, said the report was typical of People for the American Way's "religious bigotry toward conservative Christians."

- Not all incidents reported by the survey, however, came from the conservative end of the political spectrum. The report also cited a ban on meetings of the Teens for Christ Club in the high school in West Fork, Arkansas.

"In the past we have seen the Far Right take on novels and reading series one at a time," People for the American Way chair John H. Buchanan said. "When a child brought home a book that failed one or another ideological litmus test, a protest would follow. We are still seeing that, of course, but we are seeing something new as well. Increasingly, the

battleground has shifted, and now last year's book banners are testifying at textbook selection hearings, or running for school board. That's certainly a more appropriate way to air their grievances than the kinds of educational terrorism that they have tended towards in recent years, but they bring to the testimony table and the board room the same narrow view of the educational process, the same notion that schools are for indoctrination, not education."□

ALA conference

the 'kill the messenger' syndrome

The following is the text of remarks delivered by Helen Thomas, dean of the White House press corps, at a program sponsored by the Intellectual Freedom Round Table, the ALA Intellectual Freedom Committee and the Intellectual Freedom Committees of the American Association of School Librarians, the Association for Library Service to Children, the American Library Trustee Association, the Public Library Association, and the Young Adult Services Division during the 1988 Annual Conference in New Orleans. Helen Thomas has been UPI White House correspondent since 1960. She was the first woman admitted to the previously all-male National Press Club and has been a National Press Club journalist of the year.

Good afternoon. I've just come from the White House. Let us pray. And I bring you greetings from the Reagans—reach for the stars. As for the FBI swarming over all of your libraries, the solution might be to sit them down and give them something to read—like the Constitution or the Bill of Rights.

We do have a lot in common since we both fight for the right to know. And for those who cherish freedom, that is an unending battle. I've always felt greatly privileged to cover the White House and to have a ringside seat to instant history. From that vantage point, I guess I've never lost my sense of awe or outrage.

This was the week that was at the White House, starting last Sunday when the U.S. acknowledged that it had shot down an Iranian airliner with 290 persons aboard. A tragic mistake—war is hell. And dangerous—even if you're not a belligerent. All the facts are still to be determined, but the lesson is that for all of our advanced technology, we're not robots and to err is human.

Then there was the surprise announcement that Edwin Meese was throwing in the towel as Attorney General. There was no moaning at the bar. As Mark Russell notes, Meese has come up with a unique standard for public service: if you're not indicted, you're a success. He was the voice of conservatism in the administration. Three years ago, he told

a group of wire service reporters that hunger in America is anecdotal and that people go to soup lines because they don't want to pay for their lunch.

Washington is fastening its seatbelt as the military-industrial complex scandal unravels—Pentagon procurement. But is it any wonder when we have an administration that has never met a weapons program that it did not love.

Yes, there is a campaign underway—two candidates in search of a persona, believing that the voters are right in the middle, and don't rock the boat. Bush and Reagan believe that the worst name they can call Dukakis is liberal—the infamous "L" word, as Reagan would put. That is supposed to drive the voters away—liberal. Roosevelt and Johnson were liberal: Social Security, Medicare, voting rights, civil rights, federal aid to education at all levels, all the environmental laws.

Bush has held many top jobs in the country and he's left no tracks: Congressman, CIA Director, UN Ambassador, Charge to China, Vice President. He now says he wants to be the education President, something akin to mom and apple pie, and his profound remark after the downing of the airliner was, "Life goes on and the world still turns." The bottom line is that he has decided that being a Reagan clone is not quite enough; he will be his own man. Hallelujah! He is running slightly behind Dukakis in the polls but not so much that he can't catch up.

Dukakis is walking a tight line, trying not to commit himself on too many things, trying not to box himself in on the traditional (dare I say it?) liberal Democratic issues. Bright, disciplined, not so well known, he is pushing for a platform that says very little, is very vague. ERA rates one sentence, I understand. Neither candidate has that *je ne sais quoi* called charisma.

Jesse Jackson established himself as a full fledged candidate, not a wild card, in the campaign. He is the orator, the preacher. Clearly, he has done a lot to dissipate the racial issue and he has toned down his flaming rhetoric. Jackson is still playing his cards close to the chest, but it does not appear likely that he will be offered the second spot. Undoubtedly, he has gained in political stature and he will have a lot of clout at the Democratic Convention in a week or so in Atlanta.

And then there was Pat Robertson. Some wags have said that if Robertson can stop hurricanes, he should have been elected weatherman.

My crystal ball is murky on who will be the winner. The pundits say it's too close to call and I'll buy that. The role of the press now is to pin the candidates down, get the specifics, make sure we know who we're voting for and why, and let the chips fall where they may. An informed public will then decide.

We are pursued these days by what is private and what

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Last Temptation of Christ censorship holy war

The Last Temptation of Christ came sooner than expected. Seeking to either defuse or take advantage of the mounting furor over the film—derided as blasphemy by some Christian groups—Universal Pictures advanced the Martin Scorsese-directed feature's release date to August 12. The decision came against a backdrop of increasing acrimony, marked by charges of anti-Semitism and censorship, as well as blasphemy.

"The best thing that can be done for *The Last Temptation of Christ* at this time is to make it available to the American people and allow them to draw their own conclusions based on fact, not fallacy," said Tom Pollock, chair of MCA's motion picture group. Universal is owned by MCA Corporation.

"Few pictures in recent memory have generated such heated debate, especially when so very few people have actually seen the film," said Universal Pictures in a statement. "Rumors have proliferated; exaggerations, misconceptions and scenes taken out of context have added fuel to the fire. Martin Scorsese believes he has made a very religious film and deplores the attacks waged by those individuals who have not seen this picture."

Universal said the studio and co-producing partner Cineplex Odeon Films "support Martin Scorsese's right to express his personal artistic and religious visions, and the right of individuals to decide what they will see and think."

Among those fundamentalist Christians who first voiced objections to the film (see *Newsletter*, September 1988, p. 154), the announcement fueled further protest. "We'll stop the showing of the movie," vowed Rev. R.L. Hymers of the Fundamentalist Baptist Tabernacle, whose protests focused on the Jewish background of MCA executives like Lew Wasserman. Hymers led a protest outside the Wilshire Boulevard Temple, believing it is attended by Wasserman, though the temple's rabbi said the MCA chairman does not worship there.

Several ministers denounced the protest, during which one elderly man was arrested, as anti-Semitic. Robert Jones, executive director of the Southern California chapter of the National Conference of Christians and Jews called on protesters to "stick to the real issues," rather than falling for "the old tricks of scapegoaters who are looking for Jews to blame for their troubles." Evangelist Bill Bright, who previously offered to reimburse Universal \$10 million to destroy all prints, said he was "deeply distressed" by the decision to release the film. He said the studio would suffer "severe financial ramifications for years to come."

In a Los Angeles press conference, Rev. Donald Wildmon asked Christians to join in one-year nationwide boycotts of the film and MCA products, including the soon-to-be-released videotape of the blockbuster movie *E.T.* He

Last Temptation: the library connection

In Ashland, Wisconsin, the controversy over Martin Scorsese's film *The Last Temptation of Christ* stirred some memories. In 1963, a newspaper publisher removed the Nikos Kazantzakis novel, *The Last Temptation of Christ*, on which the controversial film is based, from the Vaughn Public Library.

"I took the book out of the Vaughn Library at that time, and refused to return it," John Chapple of Ashland, former owner and publisher of the *Ashland Daily Press*, wrote in an August letter to the newspaper. "I condemn the book and the movie based on it as a scurrilous attack on Jesus Christ and Christian ideals."

Chapple wasn't the only one, 25 years ago, who disliked the book. Some other residents and a Roman Catholic priest demanded that two other copies be removed from library shelves. The Vaughn library board withdrew them temporarily while reconsidering their acquisition. Their final judgment: *The Last Temptation of Christ* belonged on the shelves, and censorship had no place in a free library. The book has been there ever since, circulating occasionally, said library director David Brostrom.

Library board member Darrel Robertson, a Presbyterian pastor, said he suspects that if and when he reads the book he might also find it blasphemous. But, he said, libraries must be repositories for information from all points of view, so free minds can freely search and question.

"Christians particularly ought to have more concern about censorship than anyone else" he said. "We have been the victims of censorship, and we've been guilty of some of the most vicious kinds of censorship, which we deeply regret today."

Ironically, the library owes its existence to a private donor, Emeline Vaughn, who in 1888 directed that "no infidel or atheistic works" be allowed in circulation. Nevertheless, Brostrom said, the library is a public library and as such subject to the U.S. Constitution and the guidelines of its board. He said the library has endorsed ALA's *Library Bill of Rights*. Reported in: *Duluth News-Tribune & Herald*, September 5. □

also called on supporters to vote against the Democrats, because, he charged, MCA financially supports the party. Wildmon said the issue was not one film but "Christian-bashing by Hollywood and the networks." Parodying Clint Eastwood, the reverend said: "If Universal wants to release this film, 'Go ahead, make my day'."

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who will speak for challenged books?

By Connie Willis. The following article is reprinted with permission from the Greeley (Colorado) Tribune of June 5, 1988. Connie Willis is a Greeley free lance writer. She is the author of three science fiction novels and numerous short stories and has won the Nebula Award, given by the Science Fiction Writers of America.

They're speaking out against the books again. Angry parents backed by angrier organizations are speaking out against everything from Judy Blume to Shakespeare, from Shel Silverstein's poems for children to Mark Twain's *The Adventures of Huckleberry Finn*. They're speaking out, calling *The Grapes of Wrath* "disgusting" and *Brave New World* "pornographic."

And they're doing more than just talking. They're challenging books in school districts all over America and insisting on their removal. A group of parents in Jefferson County is even demanding that all books in the district's libraries carry a rating label of G, PG, R, or X (see *Newsletter*, September 1988, p. 51).

As a writer, a parent, and a former teacher, I've recently gotten more and more concerned about the increase in book challenges in the schools, and this spring I decided to do something about it. Brenda Waldo, a local teaching consultant, and I prepared a workshop on the censorship of books in the schools, and the first week in May we presented it at the national International Reading Association conference in Toronto.

We outlined procedures for dealing with book challenges and proposed a plan that would give everyone affected a say in whether books were removed from the school rather than just the challengers. We especially recommended organizing a review committee composed of teachers, school librarians, administrators, and parents. "The committee will read the book and review the complaints," we told the workshop participants. "They will examine whether the book conforms to district policy and determine whether it should be removed or not."

"Who speaks for the books?" a Canadian teacher asked, and we explained that reviews from library journals would be used, in addition to testimony from the school librarian and teachers, that the review procedure itself was designed to put the burden of proof of unsuitability on the person filing the challenge.

The teacher seemed happy with that answer, and so did the other people at the workshop, but I'm not sure I am. "Who speaks for the books?" Well, who does?

Certainly not the book challengers. They count the number of times the word "nigger" is used in *Huck Finn* and read passages out loud to the media. (Note: it is one of life's nastier ironies that *Huck Finn*, possibly the greatest American novel ever written, is hated by both the left and the right. Liberals

deplore its use of racist language; conservatives object to Huck's "disrespect for authority" and claim he encourages breaking the law.) Challengers rarely talk about the book as a whole and many have never even read it.

But the people defending the books frequently don't speak for the books either. School boards talk about "repercussions" and "reconsideration criteria." Review committees quote the critics and library journals and murmur apologies for Mark Twain's unenlightened language and attitudes. Worse, they often wander off into irrelevancies, saying things like, "The kids hear worse stuff on the playgrounds," or "I don't think it's particularly harmful."

But somehow nobody ever talks about the books. Nobody ever stands up and says, "*Huck Finn* is a wonderful book. How can you possibly think of depriving anyone of the joy of reading it?"

Someone needs to. Someone needs to say, "If the book is banned, the students will be deprived of all this wonderful humor and terror and adventure and insight. They won't be able to find out what things were really like back then, slavery and the frontier and the Mississippi and all the bigots and scoundrels and Huck and Jim. If this book is banned they'll lose all that."

And sometimes someone needs to stand up and shout, "Nonsense! *Romeo and Juliet* doesn't condone drug abuse anymore than Shel Silverstein's *Light in the Attic* encourages cannibalism! It's ridiculous to say so! And it's ridiculous to call *Huck Finn* racist! Huck loves Jim, and Mark Twain saw right through the bigotry of his time and exposed it for what it was!"

Someone needs to speak for the books, and soon, or we run the risk of losing not only *Huck Finn* but also *The Taming of the Shrew* and *Le Morte d'Arthur* and *The Wizard of Oz*, all of which have been challenged in the schools in 1986-87 and 57 of those were removed, restricted, or modified. The incidence of challenges has risen steadily all through the eighties. The number of challenges will probably be even greater this year.

Someone needs to speak for the books, but who? I'll tell you who. Anyone who's ever read a book and loved it, stayed up late to finish it, cried or breathed a sigh of relief or laughed out loud at the ending and couldn't wait to read it again. Anyone who knows from experience how a book can make some other time or place real or open up a whole new world. All of us who love books.

We need to speak up for the books and demand that they remain on the shelves. We need to insist that books be judged not only by their possible "harmfulness" but also by the tremendous good they do. I suppose it's too much to expect parents to storm in to school board meetings and demand academic freedom and unlimited access to books with the same fervor as the book challengers, but at the very least we need to speak up when the books are challenged.

The people and organizations attacking the books are

outspoken, organized, and determined. We need to be, too. We need to keep ourselves informed about the issues and about specific challenges. We need to demand that if books are labeled PG, R, and X, they also be labeled Heartbreaking and Thought-Provoking and The Greatest American Novel Ever Written. We need to attend school board meetings and public hearings where books are being challenged and make sure someone speaks for the books.

Book challengers always claim that they are trying to protect children and teen-agers from harmful influences. Those of us who love books need to protect children and teen-agers from the harmful influence of censorship. We need to make sure the books are there—uncensored, unbowdlerized, unlabeled—so that they can read them and get lost in them and cry over them. And love them.

We passed out a list of recently challenged books to our workshop in Toronto. "Every book I teach is on this list," one of the American teachers said. "Every book I love is on this list."

Who speaks for the books? I do. I have to. Every book I love is on the list. How about you? □

censorship: a Memphis tradition

Film censorship has a long history in the Mississippi River city of Memphis, Tennessee. One city censor's power may have been unequaled across the country. These were the conclusions of an article in the *Memphis Commercial-Appeal* August 22 by local reporter and critic Donald La Badie, sparked by the controversy over Martin Scorsese's film, *The Last Temptation of Christ*.

Surveying the history of Memphis censorship, La Badie found that from 1928 to 1955 Lloyd T. Binford, chairman of the Memphis Board of Censors, reigned as a veritable censorship czar. "Binford had his own version of the *Temptation* tempest," La Badie wrote. "In 1929, he had *King of Kings*, a rather conventional version of the life of Christ, banned on the grounds that it expanded the Gospels."

Some of Binford's rulings were so arbitrary they are difficult to believe. He would allow no movies that included railroad mail robberies because as a young railroad clerk he had been held up. He had a particular abhorrence for certain personalities and kept their movies out of local theaters. Memphians were thus denied opportunities to see films starring Ingrid Bergman and Charlie Chaplin, called by Binford "a dirty, filthy character."

The Memphis censor was a notorious racist as well. In 1940 he said: "When Senator Bilbo got up a petition to send a million Negroes to Africa—I said I wanted to go with them. Otherwise, where would I get servants." During Binford's long term, blacks and whites were never seen together on Memphis screens. He cut Pearl Bailey out of *Variety Girl* and Lena Horne from *Ziegfield Follies*. Scenes with Duke Ellington, Art Tatum, the King Cole Trio, Eddie "Rochester" Anderson and Cab Calloway were removed.

In the mid-1970s Memphis was again in the national movie spotlight when indictments were brought against a number of movies labeled pornographic, including *Deep Throat* and *The Devil in Miss Jones*. The indictments weren't directed against the Memphis showings of the films, however. They were directed at the distributor and other national figures, alleging a national conspiracy. Convictions were ultimately won on *Deep Throat* and upheld.

Bruce Kramer, who was an attorney for porno film star Harry Reems, convicted initially in the *Deep Throat* case, said, "The reason this case came to Memphis was that they wanted a jurisdiction in which U.S. district attorneys were eager to devote a lot of time to this type of 'crime.' The community offered the right ambience: basically intolerant and fearful of unorthodox thought."

In early 1974, about the time the movie indictments were being returned, the Memphis Board of Review, which succeeded Binford's Board of Censors, was in the words of its former chairman, Las Savell, "withering on the vine." Recalled one Memphis theater operator: "Lloyd Binford was nuts, goofy. Savell was nothing like that."

"We didn't have any serious problems with the board," he said. "I do remember there was trouble with *The Sting*, which contained the four-letter word for defecate. We were told we had to bleep it out. We did."

"Our job was strictly advisory and watchdog," countered Savell. "We had no power of enforcement. The job was complicated by the fact that morals were changing so rapidly. It was a different era, much less conservative than we are today."

Savell remembered *The Day of the Dolphin* as the beginning of the end for formal censorship in Memphis. "It was a PG-rated movie that had a problem moment. Trained dolphins with detonators strapped to them are swimming toward a boat. When a man on board sees them, he yells out the word for bodily excrement. I think having to ask that the word be bleeped made us a laughing stock."

Asked what he thought of the controversy stirred up by *Last Temptation of Christ*, the former censor Savell said: "Not showing this film is nothing more than censoring the rights of adults. How can people object so violently to a movie when they haven't seen it and don't even know what they're protesting against?" Reported in: *Memphis Commercial-Appeal*, August 22. □

in review

Liberty Denied: The Current Rise of Censorship in America. By Donna Demac. New York: PEN American Center, 1988. 177 p.

A preface by playwright and author Arthur Miller and a foreword by Freedom-to-Write committee member Walter Karp lead into a carefully-researched, well-organized account of censorship in the United States: in the media, in the workplace, in public schools and libraries, in academic and scientific research, and in government. Pointing out that "For Americans, censorship usually is associated with troubling suppression that happens somewhere else," Demac proceeds logically through history, with thoroughly documented illustrations of the suppression of information. Some of the historical accounts are a surprise—like the author's theory (documented by a historian, but in contradiction to the common encyclopedic explanation) of the true identity of the Molly Maguires and what motivated them.

Demac, who is a communications lawyer, writes clearly, and this succinct book is fashioned of a telling collection of incidents and conditions described in bits and pieces over the years by the media and by scholars. It is possible to read one chapter to supplement the study of one area of censorship in the United States; or the book may be read as a brief and interesting overview of the subject. The material is well-indexed.

Occasionally, the author's description of a particular form of censorship should have been stated more specifically. On page 12, for instance, she says that a Michigan law forbids teachers from providing information on birth control. Actually, they are not allowed to provide information on abortion, but with the permission of a committee of community leaders and parents, they may provide information to children whose parents file signed permission slips with the school district, allowing participation in classes. Her point regarding the various uses of the Hatch Amendment to control public education is well-taken.

Although the book's discussion of current events emphasizes the devastating effect of the Reagan administration on First Amendment rights, Demac warns that a new administration may not improve conditions. Citizens, she says, must be on guard to defend their rights.

Recommended for inclusion in public library collections and on reading lists to support undergraduate and graduate study of intellectual freedom. Previous books: *Keeping America Uninformed: Government Secrecy in the 1980's* (Pilgrim, 1984) and *Tracing New Orbits: Competition and Cooperation in Satellite Development*. (Columbia University Press, 1986).—Reviewed by Susan Beck, Director, Hancock School Public Library, Hancock, Michigan; Chairman, PLA IFC. □

Freedom of Expression. (The First Amendment in the Classroom Series, Number 3). Haig A. Bosmajian, editor. Neal-Schuman Publishers, 1988. \$100.00 (for 5-volume set).

With the question of compulsory flag salutes surfacing as an issue in the 1988 presidential campaign, we are reminded of the need to educate citizens, school officials, and politicians on the First Amendment rights of students and teachers. *Freedom of Expression*, edited by Haig A. Bosmajian, includes the texts of twenty judicial opinions in symbolic speech cases: classroom incidents involving flag salute protests, civil rights sit-ins, and anti-war armbands. Legal opinions make fascinating reading. In a 1971 Maryland flag salute case, we learn, for example, that the Pledge of Allegiance was not a product of 18th century revolutionary fervor, but a voluntary patriotic exercise written in 1892 to celebrate the 400th anniversary of the discovery of America.

The volume is the third of five in The First Amendment in the Classroom Series, along with similar works on religious and academic freedom, and the freedom to read and to publish. The concept behind the series, published by Neal-Schuman, is a sound one. Potential readers, identified in the preface as students, teachers, school board members, parents, and others, must be aware of the meaning of free speech in a classroom setting. How do we balance the rights of students and teachers to express themselves with the obligations of school officials to carry on the school's educational mission? Are these rights and obligations necessarily at odds? When a controversy arises, all parties need to know that a substantial body of law already exists to guide those concerned in striking this balance.

This collection demonstrates the rich legacy of First Amendment cases decided over the last half century. It begins with the 1943 Supreme Court decision in *West Virginia State Board of Education v. Barnette*, which upheld the right of Jehovah's Witnesses to refuse as a matter of conscience to participate in the Pledge of Allegiance to the flag. It concludes with the 1986 Supreme Court decision in *Bethel School District No. 403 v. Fraser*, which upheld the right of school officials to punish a student for a campaign address full of sexual innuendoes. (This hardly seems to qualify as symbolic speech.)

Almost half the remaining cases involve refusals by students and teachers to salute the flag or to stand during the Pledge of Allegiance. Most of these cases grew out of civil rights or antiwar protests of the late 1960s and 1970s. Since every one was decided in favor of the freedom of expression, and all relied on *Barnette*, it is not clear why reprinting the full text of each case is preferable to brief, summarizing endnotes.

The remaining opinions deal with other forms of symbolic protest. Four involve incidents where students or teachers wore armbands to indicate their opposition to the Viet Nam War or, in one case, to school policy. Here again, the Supreme Court, in its 1969 decision in *Tinker v. Des Moines*

Independent Community School District, had already enunciated the legal standard so that reprinting the full texts of lower court decisions relying on *Tinker* does not add much to our understanding.

Courts have divided on cases involving the rights of students who wear buttons or patches in situations where school officials fear disruption. The full texts of these opinions let us see how judges distinguish one case from another to reach their conclusions. In the volume's one opinion involving a student sit-in, a federal district court found in favor of the school district on the grounds of unreasonable interference with school activities. Regrettably, Bosmajian did not include the leading case in this area, *Brown v. Louisiana*, in which the Supreme Court held in 1966 that a sit-in in a public library to protest segregated facilities was protected by the First Amendment.

Because these volumes are intended for a lay audience, the editor has a special obligation to demystify the legal process. Unfortunately, in this volume, the opinions are left to speak for themselves. The brief, introductory paragraphs at the start of each case are largely excerpts from the decision that follows. The editor does little to provide context of flavor. For example, in his introduction to *West Virginia Board of Education v. Barnette* he does not mention that the Court was reversing its own ruling in *Minersville School District v. Gobbitts* decided only three years before. The volume does not include any background information on the situation giving rise to a particular case, nor any follow-up on what happened in the community after the court's decision. Several cases include long sections on procedural matters which could have been edited out.

The chronological arrangement of the volume does not enhance our understanding. Particularly since most of the cases arose during a limited time period, a topical arrangement would have been more useful. The citations to the cases in the Table of Contents and at the start of each case omit the identifying court data which would help link a case to its place or origin. The index is totally inadequate.

Finally, we must question the utility of a volume which separates one form of expression, in this case symbolic speech, from all the others. How are the rights of students and teachers to express themselves through armbands or sit-ins related to their rights to speak and publish within a school community? To exercise academic or religious freedom? A single volume which spanned the range of First Amendment classroom rights, gave full attention to major decisions, and provided background information on both the legal process and the context of particular cases, would be a valuable addition to the literature. Unfortunately, *Freedom of Expression* is not that volume.—Reviewed by Jean L. Preer, Assistant Professor, School of Library and Information Science, The Catholic University of America. □

Storm in the Mountains: A Case Study of Censorship, Conflict, and Consciousness. By James Moffett. Southern Illinois University Press, 1988. 264 p. \$24.95.

This "from the horse's mouth" account is more than just a historical study of the 1974 tumultuous textbook conflict which occurred in Kanawha County, West Virginia. Moffett, an internationally known author and consultant in education and creator of one of the language arts and reading programs which was under attack, analyzes in depth the censoring mind and seeks a common denominator of some classic conservative causes that those who ban books share with the New Right. He parlays the notion of censorship into a concept for which he provides his own definition: *agnosis*, "not wanting to know."

The author blames the publishing world and its mission of making money in the selection process for suppressing ideas in today's world, especially in the textbook trade. His recounting the story and hearing out the protesters helps raise issues as possibly being more urgent today than in 1974. He points out dangerous traits and trends that existed then which are clearly still in evidence now and which librarians should understand as they perform their selection responsibilities.

Moffett admits he breaks two liberal rules. He critically examines the poor, ill educated, and disenfranchised people like the rest of society because they may be the most likely to violate liberal principles, even though they have been taken under the liberals' wing. Secondly, he draws a distinction between spirituality and religion rather than just looking at religion as an object of study.

His instructional program, *Interaction*, offered a rich array of subjects and ideas, media methods, points of view, and cultures and this was precisely what the people in West Virginia did not want because they feared that such books would undermine the values they had taught their children. West Virginia has a state approval plan. Although state law requires that only professional educators comprise the textbook committees that make recommendations to the boards, Kanawha County formed a Curriculum Advisory Council that included both lay and school people. It was some of the lay members who began to challenge curricular decisions made by the administration.

This later developed into boycotts, strikes, barricades, and demonstrations. Extremists even shot at school buses and bombed buildings when children were not present. Groups playing a role in the confrontations included the Gablers of Texas, the textbook review organization America's Future, the Heritage Foundation, the Ku Klux Klan, Citizens for Decency Through Law in Los Angeles, represented by Robert Dornan, the National Parents Organization, the John Birch Society, Guardians of Traditional Education, the Young Socialists, and the International Workers party.

Especially intriguing are the transcripts of interviews by the author with protesters and other people involved in the

melee. These interviews identify the divergent factions which still are active in most states across the nation. Typical examples are given of objections made by conservatives and the terms in which they cast their objections. Objections often included the phrases "disrespect of authority," "invasion of privacy," and "situation ethics." Moffett builds a broad perspective on censorship, which he relates to many current issues of society, learning, and religion.

This book should be required reading for the experienced or inexperienced librarian due to its detailed examination of a current phenomenon involving the relationship between religion and politics. A complete understanding of this is important since it lies at the base of a large number of attempts at limiting the freedom to read, view, and listen. By examining the thoughts and philosophies in this book, librarians can better be prepared before the censor comes.—*Reviewed by Gene D. Lanier, Professor and Director of Graduate Studies, Department of Library and Information Studies, East Carolina University.* □

Press Law and Press Freedom for High School Publications. By Louis E. Ingelhart. Greenwood Press, 1986. 170 p.

The title of this book gives little indication of the scope of material and case law covered. This complex book is geared to a very specialized audience, primarily First Amendment lawyers. The author has compiled a very broad picture of case law relating to all aspects of the high school student's First Amendment rights. The book is clearly or-

ganized. Part I covers "Expression Protected by the First Amendment." Under this heading are three chapters: "America's Freedom of the Press," "Freedom for Related Expression," and "Freedom for the High School Student Press." Part II covers "Expression That Can Be Regulated by the School." Under this heading are four chapters: "Disruption of the School Program," "Time, Place, and Manner of Distribution," "Libel," and "Obscenity." Part III covers chapters dealing with: "Threats to National Security," "News Gathering Activities and Confidentiality of News Sources," "Advertising," "Invasion of Privacy," "Copyright," "Advisers," and "Printers and Photographers." Part IV is "Conclusions and Guidelines."

In each chapter, general discussion is followed by extensive coverage of related cases. Synopses are provided for each case relating the major facts. Some cases are presented in great detail, with pertinent legal arguments and court decisions. This is a very technical work. The author does, however, provide general conclusions and considered advice at the end of each chapter. The chapter "Guidelines for Students, Advisers, and Administrators" gives down-to-earth advice which would be well considered by those groups. The lengthy "Index of Law Cases" demonstrates the broad scope of law considered and brought to bear on high school students' rights. The index, however, is disappointing. The wealth of information in this book is not readily accessible, thus limiting its usefulness.—*Reviewed by Jean-Anne South, Assistant Department Head, Resource Management, Towson Area Branch, Baltimore County Public Library, Towson, Maryland.* □

Soviet story on library ban denied

The Soviet Ministry of Culture angrily denied August 17 a report published the previous day in the central newspaper *Izvestiia* that public libraries had been ordered to get rid of political books published before Mikhail Gorbachev came to power.

Natalia Gavrilenko, chief of the ministry department responsible for public libraries, said librarians had been urged to remove duplicate copies of works written in the Brezhnev era to free shelf space for newer or formerly restricted publications. But a Soviet reader who wants to explore Brezhnev's ten-volume collected works or similar literature still will have the opportunity, she emphasized.

During the late Brezhnev years, libraries were compelled to purchase large quantities of political literature, including collected writings, speeches, and memoirs by leading party figures, despite the limited demand for them among readers.

The letter published by *Izvestiia* the previous day charged that librarians had been summoned to seminars and told to purge their shelves of all political and economic literature published before March 1985. It said the order included the works of Brezhnev and former party leader Konstantin Chernenko, and records of Communist Party congresses presided over by Brezhnev.

Izvestiia conceded that it had known of the ministry's version of events and had planned to run an official response with the letter, but dropped it for lack of space. The paper also conceded that, contrary to usual practice, the paper had failed to contact the letter writer, identified as I. Zavgorodnaia of the Crimean region. The culture ministry said that its investigation had found no such person employed in the Crimean library system. Reported in: *New York Times*, August 18. □

censorship dateline



libraries

Niles, Illinois

On August 16, Sgt. John Katsoolias of the Niles Police Department visited the Niles Public Library. He announced that, on behalf of Niles Mayor Nicholas Blase, he wished to remove the videocassette, *The Tin Drum*, for viewing. He told library personnel that the mayor had received an anonymous complaint about the video, and that he wished to remove the film "for everyone's protection." In addition, Sgt. Katsoolias requested the names of everyone who had ever viewed the film.

Library staff members refused the request and informed the officer that he could only check out the cassette with his library card. Sgt. Katsoolias then threatened the librarians with a subpoena and noted down their names. The librarians immediately placed a call to the president of the library board, who contacted the library's attorney.

Apparently, the anonymous complaint came from a woman who thought the film was a children's movie, although it was clearly marked as R-rated and described on its package as a serious adult drama. She sat her children down in front of the television, put it on, and left the room.

In the following days, the village prosecutor and the mayor retreated from their original demands, instead calling on the library to place a large label on all "R" rated movies, deeming them adult only. The library refused, noting that library policy opposed labeling, although where MPAA ratings were displayed on videocassettes the library does not remove them.

In a letter to Village Prosecutor Kenneth Cohen, the library's attorney also pointed out that library policy restricts the right to borrow all videos to adult cardholders 18 years and older, except where borrowers between the ages of 14 and 17 obtain written consent from their parents. The attorney also noted that *The Tin Drum* was not obscene, but was instead an Academy Award-winning film, and that Illinois law prevents disclosure of library circulation records without a valid subpoena. Reported by: Niles Public Library.

Lexington Park, Maryland

A Vietnam veteran asked school administrators to remove a book about Vietnam from the Esperanza Middle School library after his 11-year-old daughter used it for a research project. The man, who asked to remain anonymous, said that *Home Before Morning*, by Lynda Van Devanter was "not for school kids." The book is about an Army nurse's experience in the war.

The father found the book after his daughter had misplaced it and began to look through it. He said he was shocked by its liberal use of profanity and explicit portrayals of situations he thought his daughter was not prepared for. "From my experience in Nam," he said, "the lady ain't lying about what happened. They sure used those words over there, but they're not for school kids."

"It aggravates me," he continued. "Someone somewhere slipped in their job. Books like that would be OK when you're old enough to decide what you want and you're responsible for what you want." Reported in: *Lexington Park Enterprise*, August 31.

Berrien Springs, Michigan

A minister failed to get *The Adventures of Huckleberry Finn*, by Mark Twain, off the shelves at the high school his daughter attends, but school officials agreed to consider his request to remove John Steinbeck's *Of Mice and Men*. The Rev. Starley Baker, pastor of the Mount Zion Church of Celebration, began a petition drive in September to ban the fiction from the library at Berrien Springs High School.

Baker criticized the profanity in *Of Mice and Men*, calling it "bad junk that should not be in our schools." Superintendent Tedd Morris said that *Huckleberry Finn* wouldn't be removed, but that he would reserve judgment on *Of Mice and Men*. Reported in: *Detroit Free Press*, September 28.

schools

Chassell, Michigan

The Chassell Township Board of Education's educational committee agreed in early August to meet with Chassell resident David Coponen to try to resolve his objections to some of the district's reading material. School Board President

Fritz Wilson directed the committee to take up the issue after Coponen appeared before the board August 8.

Coponen had previously raised the textbook issue in a rather unusual manner. In late June, he put up an 8 by 16 foot sign on U.S. Highway 41 to protest what he called obscene and sacrilegious language in three books, *Winning*, *Shane*, and *Light in the Forest*.

The sign, which contained quotations from the books, named five Chassell school officials and two teachers as having "approved, accepted or taught" the material and noted: "Your tax dollars at work!!! Are you concerned?" The sign was confiscated by the Houghton County Sheriff's Department and later returned to Coponen. The father of five said he erected the sign in frustration with the school board's failure to take action on his complaints. "Some people told me that they think it's horrible to display a sign with those words on a public highway. I agree 100 percent, but what about their use in classroom materials?" Coponen commented.

Coponen previously appeared before the board last winter, but was told to bring the issue to the school level first. He then met with two English teachers and Chassell High School Principal Dan Scow. Scow said Coponen did not complete the appeal process. "We've worked and worked with him in trying to get him to do that and he's been slow at getting to that point," Scow commented.

Scow said most of the words on Coponen's sign were from *Winning*, a book which he agreed should be removed. However, the principal said he could not recommend the removal of the other books from the school's reading list.

"When we take books with sexual connotations that lead to a sexual climax, it's not good," Coponen told a July 11 board meeting. "Sexual matters are a private matter. This is a public school. They have no business teaching that stuff at a public school. If they feel the school should teach profanity, then I'll pull my kids out, but I don't want to pay taxes to support the district any more."

Board Chair Wilson told Coponen, "We are going to follow the procedure." But Coponen's supporters complained that complaints about instructional materials should not be considered on a case by case basis. "This is foolish if we have to go through this procedure for every book," said Robert Anderson. "Let's as a school board, as a school district, together take this stuff and get rid of it." Reported in: *Daily Mining Gazette*, June 30, July 1, 12, August 9.

West Milford, New Jersey

A school board decision to remove a controversial health textbook from high school classrooms did not signal a major change in policy, a board member said. William Fisher called the accidental use of the book for three years without board approval an oddity.

Board members voted 8-1 July 19 to reject the textbook, *Health*, by John LaPlace, for use in the high school cur-

riculum. The vote came after residents and board members claimed that some of the statements in the book were too explicit or contrary to Judeo-Christian values.

"Sex education cannot be taught without teaching morals," parent Jean Belsante told the board. "Schools should not delve into morality. The parents and churches should be the ones responsible for teaching kids morality. Parents and the school officials need to be vigilant and aware of the humanist influence in various school materials," she said.

Health had been used since 1985, Assistant Superintendent Robert Gilmartin said. Because of an oversight it was never submitted to the board for adoption. In June, after realizing that the book lacked board approval, the school submitted it to the board's instruction committee.

The sections containing explicit material were used in the sex education portion of the health course for the 12th grade, Gilmartin said. While the same material was not included in 9th and 11th grade courses, those students had access to the entire book. But, the administrator added, there had been no complaints from parents until this year about the Prentice-Hall publication. Reported in: *Passaic Herald & News*, July 21.

Burlington, North Carolina

Working under cumbersome procedures that have not been changed for forty years, the North Carolina Textbook Commission relies on readers about whom it knows little or nothing to evaluate textbooks. The commission's heavy work load and old policies were principal concerns at the opening meeting August 10 of a ten-member task force appointed by the state board of education to look at North Carolina's textbook adoption process.

"Even though the sheer volume of books has increased incredibly, the logistical procedures have not been changed," said Barbara M. Tapscott, member of the state board and chair of the task force. "Logistically, it seems to be more and more cumbersome."

Commission members said that with \$6,000 a year to hire clerical help, they spend countless hours shipping hundreds of textbooks to readers, usually teachers, on whom they must rely to select materials. They said they did not always know how many readers were helping them or even who the readers were. Some commission members let local administrators choose readers for them, but others personally contacted as many as 300 individual readers.

Each year, the 14-member commission reviews books in different subjects, covering all subjects every five years. In October, it submits a list of acceptable books to the State Board of Education. Local schools may spend the \$22 per student they get from the state for textbooks only on books adopted by the board.

Tapscott said her task force would conduct a detailed probe of the adoption process over a five month period. Reported in: *Raleigh News and Observer*, August 11.

Jefferson, Oregon

On July 25, the Jefferson School Board voted to restrict class use of the book *Values Clarification*. The board accepted a committee's recommendation to allow the use of only three activities in the book, under certain restrictions. The board accepted the recommendation with a modification that would encourage a search for suitable teaching materials on values. In a separate motion, the board agreed to make a copy of the book available to parents and students in the Jefferson High School library.

Dennis Higginbotham, president of the Jefferson Education Association, said he was "extremely disappointed" with the decision. "We felt there was no reason to ban activities from the book." He called the decision to keep the book in the library "cosmetic in nature."

John Frederic, a member of the committee formed to examine the book, expressed pleasure with the decision. He and his wife, along with other parents, had complained since March that the book promotes "humanism." Frederic said it's acceptable to teach students about the history of different religions, "but it is wrong to try to indoctrinate students, especially unknowingly, with any specific religion including secular humanism."

David Gould, who resigned from the committee because he did not believe in banning books, said he also did not agree with the board's decision to restrict use of the three permissible activities from the book. The restrictions keep students from having to discuss out loud or in writing any material from the book. "To remove any discussion about the topic is to totally defeat the purpose," Gould said.

However, Gould added, "With them leaving the book in the library they haven't effectively banned it." Reported in: *Albany Democrat-Herald*, July 26.

student press

Los Angeles, California

Michael Utley says he was suspended from school for exercising his right to free expression. Utley, editor of the Rosemead High School student newspaper, *Panther's Tale*, said he was suspended June 20 by Principal John Rushing after Utley distributed an underground newspaper on campus carrying three articles that were banned from the school's official publication.

"It's a culmination of a long list of censorship over the past year," Utley charged. "The Supreme Court ruled that campus newspapers do not share the same free speech rights as other newspapers, and since then he [Rushing] has felt he should be able to run the newspaper."

Rushing said he did not suspend Utley but merely sent him home with a request that he bring his parents to a conference the following morning. He said Utley was allowed to return to classes the next day.

The problem began when Utley attempted to publish a story in the *Panther's Tale* charging that the school auditorium, closed after an October 1 earthquake, was still being used "regardless of the danger." The room was closed to students after it was discovered that asbestos had broken loose from the ceiling. However, off-campus groups, unaware of the problem, continued to use the auditorium.

"The administration said it was safe, but I did some research and the EPA told me that no exposure to asbestos was safe," Utley said. "But they [school administrators] wouldn't let us print anything about it." The student said it was at that point that Rushing began reading all of his articles before publication, although he had not done so previously.

After the *Hazelwood* decision, Utley charged, Rushing began to censor articles. The student countered by writing two editorials opposing the decision, one of which was published. Utley said he was then told by the faculty adviser to write another piece supporting the court. Rushing said that order was in keeping with the school's policy of airing controversial subjects "on a pro-con basis."

"How could they expect me to write something in support of a decision I disagree with?" Utley asked. "I wrote it, but it was very sarcastic." The adviser rejected the editorial, but "the staff and I slipped it by her and published it anyway," Utley said.

The third disputed column appeared in response to Rushing's decision to keep seniors in class an extra day after nearly 270 seniors took an unauthorized "Ditch Day" on May 12, which Utley called a "long-standing tradition." The article castigated Rushing, charging that the "retaliation" was unjustified.

The school administrator said the article, which appeared in its entirety, along with the other two controversial articles, in the underground publication, *Senior Journal*, was "insulting, degrading and disrespectful to the administration, and I see it as an attempt to provoke retaliation."

Many legal observers have noted that while the *Hazelwood* ruling strengthened the hand of school administrators in censoring school-sponsored publications, it may have made it somewhat more difficult for them to influence the content or limit the circulation of unofficial or so-called underground materials. Reported in: *Inter-City Express*, June 23.

Los Angeles, California

A student editor of the East Los Angeles College newspaper was placed on disciplinary probation for a year July 25 for authoring an article that the college president said violated the right of a student government leader to keep her academic record private. The editor, Porfirio Flores, said he would appeal to the Los Angeles Community College District chancellor.

"I'm not happy at all," said Flores, who was scheduled to become editor-in-chief of the *Campus News*. "All they've done is push me around and stomp on me. I feel abused."

The controversial May 4 article alleged that Lisa Quesada was not taking enough classes to remain as student government president. The piece was based on—and accompanied by a picture of—Quesada's academic transcript, a copy of which Flores said was mailed anonymously to the newspaper. In addition, a photographer for the paper, saying she was a friend of Quesada's, obtained a copy of Quesada's receipt for school fees.

Flores and journalism teacher Jean Stapleton said Quesada gave up privacy about her qualifications when she became a student leader. They argued administrators want to silence the newspaper, which has been critical of campus policies. A campus disciplinary committee recommended that the charge against Flores be dropped, because the student who was then editor-in-chief had final say about the article. But college president Arthur Avila disagreed. "The administration of this college and the district counsel do not hold that Lisa Quesada is a public figure," he wrote. Reported in: *Los Angeles Times*, July 26.

Broomfield, Colorado

When Broomfield High School principal James Sandoval censored an editorial for the third consecutive issue of the *Eagle's Cry*, staff members and adviser Chris King decided they would not remain silent. Instead of an editorial and cartoon that Sandoval reportedly deemed "derogatory," the staff ran white space and a box explaining that the editorial had been pulled by administrative order.

"That really got his attention," King said. "He had censored stuff before but no one knew about it. Now, people could see that he was censoring things, and it put a lot more pressure on him." The editorial and cartoon criticized a plan developed by Sandoval to make study halls mandatory for underclassmen. The page also included a companion editorial in favor of the policy. Sandoval left that intact.

By pulling the articles, Sandoval violated school district policy, which requires a hearing before a story can be removed. And under the policy, principals can only censor articles that are false, advocate illegal or dangerous activities, intrude into a person's rights to privacy, or contain obscene or indecent language.

"Here's a principal who's new to the district, in his first year here," King said. "He's unfamiliar with the policy, so he began indiscriminately pulling things. I tried to make him aware of the policy. I threw a fit a few times, but the principal didn't make me seriously."

Previously, Sandoval censored an editorial criticizing the Supreme Court's *Hazelwood* decision and pointing out that no other principals in the district even practiced prior review of student newspapers, much less removing articles. Reported in: *SPLC Report*, Fall 1988.

Pinellas Park, Florida

The adviser of a high school newspaper censored for its coverage of an on-campus shooting in February was suspended from her position. Susan Earley, adviser to Pinellas Park High School's *Powder Horn Press*, was fired for "insubordination" in May. The teacher, who appealed the dismissal, was awaiting a final decision from the Board of Education.

Earley claims she was fired after allowing the *St. Petersburg Times* and other newspapers to photograph the *Press's* censored issue. The censored paper chronicled the deadly shooting rampage by two students that left one assistant principal dead and another wounded. Earley said she was charged with violating explicit orders not to distribute the paper.

"I don't see how she [the principal] can consider what I did distribution," Earley said. "You couldn't read what the paper said from the photo. . . . The [Florida Scholastic Press Association] even disqualified that issue from this year's competition because it wasn't distributed."

A school information officer said the *Press* had been censored because of alleged inaccuracies in its coverage of the shooting. But Earley said the *Press's* account of the incident was more accurate than those in professional papers. She said the student publication received praise for its coverage from several members of the professional media. Reported in: *SPLC Report*, Fall 1988.

Jefferson, Louisiana

A former high school history teacher is suing the administrators at West Jefferson High School for censoring a newspaper her students published as part of a class project. Geraldine Moody said she was teaching a unit on press freedom when her students approached her about publishing their own paper. The paper, *Your Side*, was "very open and honest about school life," Moody said. Its articles dealt with topics like pregnancy, drugs, and cheating.

Principal Eldon Orgeron confiscated the papers after students attempted to sell them to classmates. According to school board attorney Jack Grent, Orgeron had received several complaints from teachers offended by *Your Side*. The students were permitted to resume distribution only after intervention by the Louisiana Civil Liberties Union.

Moody charged that the principal then began harassing her and eventually forced her transfer to a middle school. Moody had taught at West Jefferson for 17 years. Moody filed suit in August 1986, claiming she and her students were "robbed of academic freedom" by the censorship and its consequences. The case was put on hold, however, while Moody underwent psychiatric treatment. As a result of the harassment, her attorney charged, she suffered a nervous breakdown while giving a deposition. Reported in: *SPLC Report*, Fall 1988.

Wayland, Michigan

Advertiser interests prevailed over student concerns at Wayland High School when administrators barred publication in the student newspaper of a letter to the editor critical of a local business. Superintendent Robert Brenner halted distribution of the April *Paw Prints* when he learned of the critical letter.

The author of the letter complained that the Dorr Family Hair Care Salon had cancelled a week's worth of her tanning appointments without telling her. In a response to the letter, a student editor related a similar experience of her own at the salon. "I wanted other kids to know what was going on at the salon," editor Bridgette Fifelski said. "I didn't want them to lose their money, too."

The salon, however, happened to be one of the paper's major advertisers and a primary school district patron. "We're not going to have a student paper, either rightly or wrongly, attack individuals or businesses in the community," Brenner said. After being contacted by the Student Press Law Center, however, Brenner relented, and the letters were printed in the May issue in the body of an article about censorship.

The incident was not the first conflict between the school administration and *Paw Prints*. Previously, Principal Jack Deming warned the paper not to publish accounts of two incidents in which students brandished firearms. Deming also censored publication of a survey of student attitudes toward a new AIDS awareness program. Fifelski said she was especially baffled by that action, since the survey results supported the school. Reported in: *SPLC Report*, Fall 1988.

Fairfax County, Virginia

After a hail of criticism from some student editors and high school journalism teachers, Fairfax County Superintendent of Schools Robert R. Spillane backed off a proposal for new rules on student newspapers September 20, pending study by community groups.

"I don't think anyone expected that it would create the interest that it obviously has," the superintendent said. "So I'm going to request the board to just take that off the table and let student groups and parent groups and citizen groups look at it."

School officials, acting on the advice of their attorneys, had decided to revise the system's regulations regarding student publications after the U.S. Supreme Court's decision in the *Hazelwood* case expanded principals' power to censor curriculum-related activities.

The amended Fairfax regulations would have allowed administrators to prevent articles from being published if they were judged to be anything from ungrammatical or "poorly researched" to "inappropriate to the achievement of the instructional objectives of the activity" or "unsuitable to the maturity level of the audience."

Jason H. Hintz, the non-voting student member of the

school board presented a counterproposal that emphasized the district's commitment to free expression for students. Hintz' draft regulations would stipulate that, in general, principals "shall not offend the First Amendment by exercising editorial control or censorship over the style and content of student speech and writing."

Spillane said he had no intention of changing the atmosphere of student journalism classes, but only wanted to conform with the Supreme Court ruling. The *Hazelwood* decision, however, says that school officials can claim expanded censorship authority, but it does not mandate the exercise of such rights, nor does it prevent districts from offering student journalists broader leeway. Reported in: *Washington Times*, September 21.

book burning

Alliance, Nebraska

A group of about 20 people stood and watched as about \$10,000 of records, cassette tapes, videotapes, books, posters, and magazines went up in flames August 10 to highlight the conclusion of an evangelical crusade. John Musser, a Michigan evangelist, said most of the items burned had some sort of "satanic" message. "There is all kinds of music in the pile from rock 'n' roll to country and western," he said. "We just can't allow Satan to have a hold of us through music or any other means."

"We didn't put any pressure on anyone to bring these kinds of things to be burned," the evangelist continued. "One person started to bring things and then everyone started to bring items in." According to Musser, awareness of satanic symbols, groups and messages is growing. But, he warned, "you'd be surprised how many parents are not aware of some of the words to songs that kids listen to these days." He said the satanism movement is a billion dollar industry with games such as *Dungeons and Dragons*. Certain television cartoons for children also have satanic messages, he charged.

"A lot of miracles took place here in Alliance," Musser said, summing up his two-week crusade in the city. "The Lord did quite a bit of good work and I stayed out of the way," he explained. Reported in: *Alliance Times-Herald*, August 11.

foreign

Santiago, Chile

Director Pablo Perelman's film *Latent Image*, which deals with the subject of Chileans who "disappeared" with or without an official arrest, was rejected on appeal a month after its original prohibition by the Chilean Censorship Board. The appeals tribunal vote was 3-1, with only the president

of the Bar Association dissenting. The no votes came from the Minister of Education and the representatives of the Supreme Court and the Joint Chiefs of Staff.

Earlier, the National Journalists Association announced the withdrawal of its representatives on each of the three parallel censorship boards. A few days later, a group of some 70 directors, producers and technicians arrived at the downtown National Library, where the censors are based, pushing a symbolic film reel over 12 feet in diameter.

The protesters declared: "We demand the unconditional right to create images, to reconstruct memories that have been torn to shreds, to express our dreams and fantasies, our humor and our pain with utter freedom. In spite of the permanent attacks on culture, in spite of exile, in spite of those who have disappeared, we work, we film and we create with all the power within us." Five protesters were arrested. Reported in: *Variety*, July 27.

London, England

British film censors, rejecting demands of some church leaders, decided August 25 to allow Martin Scorsese's controversial film, *The Last Temptation of Christ*, to be shown without cuts. Attorney General Patrick Mayhew said the previous week that he was considering filing blasphemy charges to stop the movie from being shown in Britain.

Although the Church of England, Britain's official state religion, declined to comment until the film had been screened by censors, individual clerics of several Christian denominations denounced it. George Basil Cardinal Hume, leader of the 5.2 million Roman Catholics in England and Wales, advised Catholics not to see the movie.

Mary Whitehouse, whose National Viewers and Listeners Association has been praised by Prime Minister Margaret Thatcher for its efforts to guard against broadcast obscenity and violence, said she had read the script of the movie and did not need to see it to form an opinion.

"There can be little question that it will give considerable offense to a lot of people," Whitehouse said. "This ultraliberal idea that everybody has a right to say or do or think what they want is in fact a philosophy of repression [that] forces certain concepts onto other people, whether they want it or not."

Whitehouse wrote to the head of the British Board of Film Classification asking it to "bear in mind that if the film were as offensive as it sounded, it would give offense to many people and maybe could result in some kind of action for blasphemy."

Britain's centuries-old blasphemy law has been invoked only once in the past fifty years. In 1976, Whitehouse successfully brought civil action against *Gay News* magazine for publishing a poem implying Jesus was a homosexual. Lower court decisions in her favor were upheld by the Law Lords, Britain's highest court.

The 22-member British Board of Film Classification saw the film with a delegation of 28 church leaders. Afterward,

the censors issued a statement stating that the movie was "plainly sincere and the atmosphere reverent" and that no British jury would find it blasphemous. They ruled that it might be shown to anyone over 18 years old. Reported in: *Washington Post*, August 16; *New York Times*, August 27.

Islamabad, Pakistan

The government of President Ghulam Ishaq Khan September 4 repealed the Press and Publications Ordinance of 1960, which had restricted freedom of the press in Pakistan. Repeal of the ordinance was a longstanding demand of Pakistani journalists.

Information minister Elahi Bakhsh Soomro, who announced the decision, said, "I have never made a more satisfying statement than the one I'm making now." Soomro said the law "was promulgated to gag the press at government will. It was known as the Black Law. Some call it a Draconian law. We are happy that we're getting rid of this."

Shadab Ahmad, political reporter for the *Frontier Post* of Peshawar, said: "Journalists in this country have suffered heavily under this ordinance. . . . Scores of newspapers and magazines were closed down and hundreds of journalists were arrested and tortured in the jails."

Khan succeeded Mohammed Zia ul-Haq, who was killed in a plane crash August 17 along with the U.S. ambassador and leading American and Pakistani military officers. The opposition has welcomed Khan's appointment, but expressed skepticism about his will and ability to carry through with free elections promised for November.

"If the president wants us to believe he is sincere, he should do something to restore our confidence in the government," said Benazir Bhutto, leader of the People's Party and the favorite in the election. Bhutto's father was executed by Zia. The decision to repeal the press ordinance was seen as designed to encourage such confidence.

"It is a step in the right direction," said Masroor Husain, secretary of the workers union at the *Muslim*, an independent English daily in Islamabad. "By restoring freedom of the press, the government will also improve its own image and make the people believe that it is sincere in promising fair and free elections." Reported in: *Chicago Tribune*, September 5.

Johannesburg, South Africa

Hours after it began showing at theaters across the country July 29, South African authorities banned Sir Richard Attenborough's film *Cry Freedom* even though it had been approved by a state censorship appeals board. The South African commissioner of police, Gen. Hendrik de Witt, ordered that all copies of the film be seized.

The summary ruling by Justice Minister Kobie Coetsee against the film about the late black leader Steve Biko and his friendship with a white newspaper editor, Donald Woods, created widespread confusion. Theater owners had opened

their doors to matinee showings thirty minutes after the state Publications Appeals Board passed the movie, uncut, for screenings.

Coetsee, citing the sweeping 1982 Internal Security Act, said the film could not be shown because Woods is a banned person who may not be quoted. Woods was banned before he fled South Africa after Biko's death in 1977 from brain damage after police interrogation.

The ruling came as a surprise because in November, 1987, contrary to expectations, the government's Publications Committee passed the film uncut and without restrictions. The Publications Appeals Board, which comes under the jurisdiction of the Home Affairs Ministry, declared the film "not undesirable" but imposed a 19-year age restriction. Board chair Kobus van Rooyen said the board had found that the film "does not present a risk to race relations or to the security of the state."

But in the aftermath of the Coetsee ruling, South African information minister Stoffel van der Merwe admitted that the government had planned to bar the film all along, although it had hoped the "censor board would do its job."

"Although the Publications Control Board allowed the screening of the film," van der Merwe told a press conference, "the South African government has responsibilities for public safety and security, especially during the state of emergency—which transcend those of the Publications Control Board."

Van der Merwe added that the film portrays the security police "in such a negative light that their public image would be seriously undermined. We don't need that sort of internal disturbance and excitement from people like Richard Attenborough," he added.

An hour before *Cry Freedom* was to have been shown an explosive device was detonated behind a theater in Johannesburg's black township of Alexandra. There were no injuries. A small bomb also exploded in a Pretoria theater after the audience was evacuated during a screening of the film. Authorities also said police, acting on a telephone tip, found an explosive device in a toilet in a shopping center west of Johannesburg during a nearby showing of the film. Police said bomb threats were received by theaters in Pretoria and Port Elizabeth, both of which canceled their planned screenings.

Antipartheid groups immediately condemned the government's action. "To any reasonable person, it is incomprehensible that such a film can be called inflammatory," the Southern Africa Council of Churches declared. "We decry the fact that the government seeks to hide its shameful history from its people and yet does not learn from that history that peace and justice must in the end triumph."

An ad hoc group of South African theater operators also responded to the ban. In a full-page advertisement published in the August 17 issue of the American entertainment industry weekly *Variety*, 96 South African cinemas expressed their

support for the film's overseas distributor and said, "we wish to disassociate ourselves with the action taken by the South African police in banning the film *Cry Freedom*."

The theater owners said they "applauded the Publications Appeal Board when they upheld the previous decision that the film should be screened in South Africa." They concluded, "We believe in the right of freedom of expression and oppose any attempts to interfere."

The film's distributors said it was "still our goal to get the film played in South Africa. We'll fight to have it shown until there's no way left to fight," said MCA motion picture group chair Tom Pollock. "A number of newspapers have in the past gone to court against the government and won legal decisions in their favor," said Hy Smith of Universal International Pictures in London. "We're proceeding on the basis of what is possible."

It was reported that some 350-500 pirated videotape copies of the film were circulating in South Africa. "We're clearly not in favor of piracy," Smith noted, "but it's ironic that this is the method by which people are seeing the film."

Cry Freedom was also banned in Bophuthatswana, 120 miles from Johannesburg and one of several black "homelands" created by the South African government, by order of president Lucas Mangope, but later approved by the homeland's censor board. It is not unusual for South Africans to see films in Bophuthatswana, Transkei and Ciskei, two other homelands.

On the same day that the South African government moved against *Cry Freedom*, the Publications Control Board banned another anti-apartheid film, the Cannes Film Festival special jury award-winning *A World Apart*. The film, directed by Chris Menges and based on the life of South African exile Shawn Slovo, was not scheduled for general release, but was to be screened at the South African Film Festival, hosted by the anti-government newspaper, the *Weekly Mail*.

Another banned film, *The Stick*, by South African director Darrell Roodt, opened the Montreal World Film Festival in August. *The Stick* is a harrowing depiction of South Africa's war against black insurgents, based on the filmmaker's experiences as a conscript in the South African army. According to the South African censors, the film was banned as a "dangerous presentation of an issue of great sensitivity." Reported in: *Washington Post*, July 30; *Variety*, August 3, 17, 24.

Khartoum, Sudan

Sudan imposed censorship on foreign journalists after criticism abroad of its handling of flood-relief aid. Information Minister Abdullah Mohammed Ahmed announced August 23 that all reports, photographs, and videotapes must be submitted to ministry officials for approval before being sent abroad. Reported in: *Philadelphia Inquirer*, August 24. □

to do it better than perhaps we've done in the past. [However], I do believe it's justified. I do believe that the FBI didn't go there [into libraries] first. We followed the KGB to this area. And if we do our job and we do it right, I don't think it will offend anyone. If we ask for something that is illegal, and I hope not, or for something that you're ethically opposed to, then that's your prerogative to say, 'I'd like to help you but I can't'"

Geer later added, however, "I refuse to accept, absolutely refuse to accept, that there's no way that librarians can help the FBI in this particular area of your responsibility. . . . I don't accept that there aren't situations where someone may come in and give you his card as being from the Soviet Embassy, start a conversation with you, ask to develop a personal relationship with you, ask you out to dinner, or whatever, that you might not decide to pass on to the FBI. That would be a helpful piece of information. Now if something that sounds that innocuous to you violates your ethical standards or whatever, then I can't speak to that."

Regarding personal conversations, Thomas DuHadway, Deputy Assistant Director, Intelligence Division, stated at one point that those "can be extremely helpful. That conversation may have nothing to do with the library records and I can't imagine any librarian having reluctance to discuss with an FBI agent a conversation with someone they know to be a representative of the Czechoslovakian mission to the United Nations and in which a discussion was had about individuals or something of that nature—that didn't pertain to circulation records."

In a letter to the Director of the Arrowhead Library System in Janesville, Wisconsin in response to receipt of a copy of that System's resolution condemning the Library Awareness Program and asking that it cease, Geer stated that, "when deemed necessary," the FBI will continue to contact certain scientific and technical libraries in the New York City area (including university and public libraries) concerning hostile intelligence service activities at libraries;" that at the libraries they visit, the FBI will ask for information about patrons who "identify themselves as Soviet or Soviet bloc nationals" who seek assistance in conducting library research, request referrals to students or faculty who might be willing to assist in research, remove materials without permission, or who seek certain biographical information, particularly on students and academicians; that the FBI will

inquire further about what such persons are seeking from librarians; that the FBI will not attempt to circumvent local library management in contacts with librarians; and that the Bureau is confident that librarians will cooperate in the program if it is explained to them, and to that end training of FBI personnel participating in the program will be enhanced.

Following the meeting, IFC chair James Schmidt wrote to Rep. Don Edwards (Dem.-CA), chair of the House Committee on the Judiciary Subcommittee on Civil and Constitutional Rights, stating simply that "in the words of our counsel, the parties met, exchanged views, and agreed to disagree." In a follow-up letter to FBI Director William S. Sessions, Schmidt summarized the meeting by: confirming that the Bureau agreed that library visits under the Library Awareness Program might better have proceeded from the top down, i.e., begun with a library's management; stating that ALA is willing to provide the Bureau with a written statement for national distribution to agents, setting forth the role of libraries and the ethical and legal responsibilities of librarians and library staff, and offering to arrange distribution to the library community of a suitable statement prepared by the FBI; seeking to confirm, so that unease among librarians might be reduced, the Bureau's acknowledgment that "library staff might, in view of the ethical and legal context in which they work, legitimately decline to respond to questions from agents which the staff determine violate ethical, legal or policy guidelines." Schmidt concluded, "[W]hile I wished for a broad agreement as a result of getting together, I did not realistically expect one, given the differences in principle which exist."

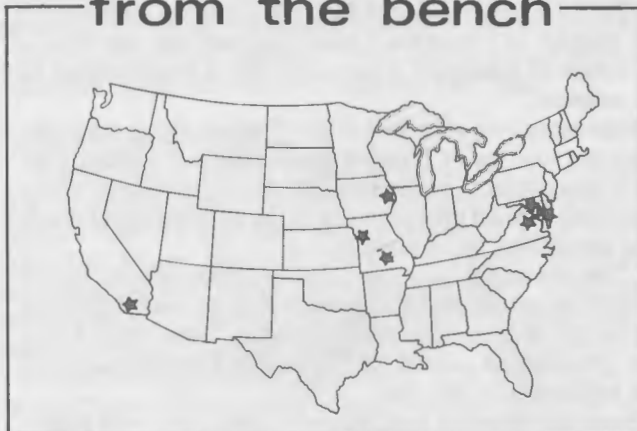
The FBI's suggestion to the committee that new guidelines would be formulated for both the Library Awareness Program and for similar contacts with libraries in the context of specific investigations was repeated in Washington where a Congressional subcommittee urged the Bureau to either set up such guidelines or discontinue the Library Awareness Program.

Rep. Edwards, himself a former FBI agent, said, "We are not negotiating with the FBI, but trying to get the Bureau to spell out guidelines." In a letter to FBI director Sessions, Edwards said it was not clear how a librarian should decide which individuals to report and what guidance FBI agents used in identifying possible Soviet agents in libraries.

"I recognize that this program represents a minuscule part of the FBI's foreign counterintelligence efforts," Rep. Edwards wrote. "Given the limited results compared with the confusion and concern that it has generated, I think the Bureau would be best served by strictly limiting the program or curtailing it altogether."

Geer's statements made at the September 9 meeting suggest that the Bureau is unwilling to drop its program of visits to libraries, and regards it as both necessary and successful. Reported in: *New York Times*, August 31; transcript of meeting between ALA Intellectual Freedom Committee and FBI personnel, September 9, 1988. □

from the bench



government secrecy

Washington, D.C.

Secrecy pledges that require civil servants to promise not to reveal "classifiable" material without defining what the word means were declared unconstitutional by U.S. District Court Judge Oliver Gasch July 28. The two million federal workers who have been required to sign forms pledging not to reveal classified or "classifiable" material must be notified within 60 days of the meaning of the term, Gasch said.

The National Federation of Federal Employees hailed the decision as a victory because "employees who previously signed those agreements now have to be notified as to the definition of classifiable." The American Federation of Government Employees, however, called the ruling "a hollow victory for government workers. Said union representative Janice LaChance, "We won in principle, but in practicality it means nothing for the federal worker at the job site."

On May 27, Judge Gasch had ruled that a Congressional provision barring the Reagan administration from requiring secrecy pledges was unconstitutional. At that time, he dismissed all suits against the Reagan secrecy policies except claims by the two unions that the agreements violated employees' First and Fifth Amendment rights. The unions had been joined by several members of congress, who contended, among other things, that the restrictions and use of the word "classifiable" would have a chilling effect on the flow of information to Congress (see *Newsletter*, September 1988, p. 163).

The author of the word classifiable "apparently admitted that 'arguably it could mean anything'," Gasch noted in the latest decision. But the heart of the case, he wrote, "is a constitutionally inherent conflict between the obligation of the executive to safeguard national security information and the rights of citizens to speak freely and be guided by reasonably clear and narrow statutory proscriptions on the free-speech right." Gasch said that an extended definition of "classifiable. . . certainly would guide signatories in fulfilling their obligations under the agreement."

Federal officials said they would abandon use of the term "classifiable." Indeed, they noted that the Information Security Oversight Office had notified Rep. Jack Brooks (Dem.-Texas) June 16 that the phrases "classifiable" and "indirect unauthorized disclosure" would be removed from new secrecy pledge forms under preparation. On August 12, however, the government asked the court to reconsider its order to notify two million current pledge signatories of a definition for "classifiable." Officials said the job "will be impracticable if not impossible."

Republican Sen. Charles E. Grassley of Iowa, one of the Congressional petitioners, said Judge Gasch's "decision legitimizes a chilling effect. If we were concerned before about the flow of information to Congress, we should be even more concerned now." Reported in: *Washington Post National Weekly Edition*, August 8-14; *Washington Post*, August 14.

Washington, D.C.

A federal judge denied a bid by a Voice of America writer to strike down State Department rules requiring her to submit an article she had written to a government censor before it is published. U.S. District Court Judge Thomas Penfield Jackson wrote that the request by Carolyn Weaver, who wrote an article critical of VOA for the *Columbia Journalism Review*, was "premature."

If the Voice of America threatens to take action against Weaver for violating agency rules on clearing articles with a censor, then she may appeal for relief to the court, Jackson wrote. Until then, however, "she may publish or not as she pleases, and [VOA] may do as they will under their regulations."

Weaver had sought a preliminary injunction that would declare unconstitutional the regulation requiring her to submit her article for clearance. Reported in: *Washington Post*, July 27.

FOIA

Washington, D.C.

A voice recording of the Challenger astronauts during their doomed space shuttle flight must be made public despite efforts by the astronauts' families and NASA to withhold it,

a divided federal appeals court panel ruled July 29. Although the National Aeronautics and Space Administration released a transcript of the recording in 1986, it had refused to make the tape public, arguing that to do so would bring grief to the astronauts' families.

But Judge Spottswood W. Robinson II, in an opinion hailed as a victory by First Amendment lawyers, rejected the agency's contention that the astronauts' voices—like personnel and medical files—are personal information that may be withheld under the federal Freedom of Information Act.

If NASA's argument were accepted, Robinson wrote for the panel's majority, "every tape recording of audible human utterances, regardless of its content [could be withheld from the public] because every person's voice is essentially unique."

The *New York Times* sued NASA for the tape in 1986, maintaining that the tape contained no personal information. "These are government employees on a government mission talking about work-related matters," Deborah R. Linfield, a lawyer for the *Times*, said. "That should not be viewed as something that is so personal as to be exempt" from release under federal law.

Robinson was joined in his opinion by Judge Harry T. Edwards. The decision upheld a lower court ruling by U.S. District Court Judge Norma Holloway Johnson.

Judge Douglas H. Ginsburg dissented. Citing a 1982 Supreme Court decision in a case involving the *Washington Post*, he noted that the high court interpreted the law as protecting "information about a particular individual" from being made public. "It is pure fiction for the court to pretend that the voices in the tape are 'unrelated to any particular person,'" he wrote. Reported in: *Washington Post*, July 30.

broadcasting

Washington, D.C.

On July 30, a federal appeals court panel affirmed the Federal Communications Commission's broad authority to regulate the broadcast of sexually explicit programs, but struck down the commission's attempt to limit such broadcasts to after midnight. The decision was hailed as a resounding victory by both the FCC, which proposed the midnight rule, and the broadcasters, who sued the commission to overturn it.

The commission adopted a broader definition of indecency in April, 1987, saying it wanted to shield children from "patently offensive" material depicting "sexual or excretory activities or organs." In October last year, it banned such material from the airwaves before midnight, on the grounds that unsupervised children might be watching (see *Newsletter*, July 1987, p. 143; January 1988, p. 29; March 1988, p. 60; May 1988, p. 102; September 1988, p. 169.)

FCC chair Dennis R. Patrick proclaimed that the decision by the three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit "agreed that the FCC's definition of indecency is not vague but is constitutional in all respects."

Representatives of several of the 17 broadcasting organizations that sued the FCC called the decision a triumph for the First Amendment, contending that the commission's effort to confine explicit programming to the after-midnight hours was tantamount to censorship.

"The opinion is very clear that the responsibility has to be with the parent, and it's up to the FCC to make it possible for parents to control children's viewing," said Peggy Charren, president of Action for Children's Television, one of the petitioners in the case.

Some broadcasters said, however, that they were disappointed that the court upheld the FCC's definition of indecent material, which they regard as unconstitutionally vague.

Writing for the appellate panel, Judge Ruth Bader Ginsburg said the FCC definition, "though vagueness is inherent in it, is not constitutionally defective." She added, however, that the FCC had "not adequately justified" its decision to restrict programs containing indecent speech until after midnight. Ginsburg ordered the commission to take up the issue of what time such material may be broadcast.

Ginsburg was joined by Judges Spottswood W. Robinson II and David B. Sentelle. Reported in: *Washington Post*, July 30.

newspapers

Des Moines, Iowa

Des Moines ordinances regulating the size and placement of newspaper vending machines did not violate the First Amendment, a panel of the U.S. Court of Appeals for the Eighth Circuit ruled July 13. According to the opinion by Judge Frank J. Magill, the ordinances represented constitutional, nondiscretionary, and content-neutral time, place or manner restrictions which were narrowly tailored to serve significant public safety interests of the city. Reported in: *West's Federal Case News*, July 22.

student press

Las Vegas, Nevada

Attorneys for Planned Parenthood of Southern Nevada are appealing a federal district court's decision permitting school officials to prohibit advertising in student newspapers. Judge Roger Foley ruled in April that, because of the Supreme Court's *Hazelwood* decision, Clark County public high school student publications are not open forums, and therefore are subject to administrative censorship.

The ruling was a reversal of Foley's decision in July 1987, which required the district to allow Planned Parenthood advertising. The district banned Planned Parenthood ads in 1984, claiming they conflicted with district policy on sex education. Reported in: *SPLC Report*, Fall 1988.

Fairfax County, Virginia

A high school teacher's letter to the student newspaper was not protected under the First Amendment, a federal judge ruled in June. Donald Seemuller, a teacher at Lake Braddock High School, filed a \$350,000 lawsuit against the Fairfax County School District in November, 1987. It alleged that Seemuller's rights were violated when he received a low rating and lost a pay raise because of the letter. In issuing a directed verdict in favor of the school, U.S. District Court Judge Claude Hilton said the letter was not "a matter of public concern" and therefore unprotected.

According to Seemuller and court documents, Lake Braddock Principal George Stepp gave Seemuller the low rating because his letter drew several complaints and showed a lack of "mature professional judgment." But the paper's adviser said that if there were any complaints, he never received them. Seemuller also said that Stepp had seen the letter before it was printed and made no objections at that time.

Rick Nelson, president of the Fairfax County Teachers' Association, which filed the suit on Seemuller's behalf, said the teacher's position was based on the Supreme Court's 1969 decision in *Tinker v. Des Moines Independent School District*. Nelson said the union would appeal. Reported in: *SPLC Report*, Fall 1988.

religion and public schools

Purdy, Missouri

A federal judge ruled August 1 that a ban on school dances that students contended was instituted for religious reasons is unconstitutional. U.S. District Court Judge Russell G. Clark enjoined the Purdy school board from enforcing the ban. He said prohibiting students from holding dances on school property "infringes on the First Amendment rights of the students and must be invalidated."

Clark did not order the rural school district to hold dances for students. But William Fleischaker, an attorney for the students and parents who challenged the ban, said the board could be in violation of Clark's order if it came up with reasons not to have dances.

Board members testified during a June trial that the district had banned school dances because the majority of district residents did not want them at the school. "When we would ask them 'Doesn't the majority feel that way because of religious reasons?' the board members would say they had no opinion on that," Fleischaker said.

"We strongly disagree with the court conclusion that there

were religious motivations behind the rule," said a board attorney. "The Purdy school board did nothing more than carry out the wishes of the community, which they were elected to do."

In his order, Clark said he found the testimony of the board members "incredible." "This court is skeptical that it heard the complete story concerning the board members' deliberations of the rule and the religious significance of the opposition to dancing in Purdy," the judge said. Reported in: *St. Louis Post-Dispatch*, August 2.

foreign agents

Washington, D.C.

A State Department order requiring the closure of the Palestine Information Office in Washington (see *Newsletter*, November 1987, p. 237) did not infringe upon any free speech rights, a panel of the U.S. Court of Appeals for the District of Columbia ruled August 5. The order was based on a determination that the office operated as a foreign mission of the Palestine Liberation Organization, and that the national interest in curbing international terrorism prohibited operation of such a mission in the United States, the court ruled.

On its face, the order did not infringe at all on the speech rights of any party, Judge Abner Mikva wrote, and in fact explicitly stated that nothing in the order was to interfere with the constitutionally protected rights of U.S. citizens and permanent residents who were associated with the office. Judge Laurence H. Silberman concurred and filed a separate opinion. Reported in: *West's Federal Case News*, August 19.

prisoners' rights

Washington, D.C.

The Bureau of Prisons' criteria for assigning women inmates to a high security unit violated two inmates' First Amendment rights, U.S. District Court Judge Barrington D. Parker ruled July 19. The criteria, the court found, specifically punished inmates for their "radical" political beliefs and their alleged associations with "revolutionary" political organizations. While numerous women with escape histories remained housed in the general prison population, the judge said, the plaintiff inmates had been singled out for advocating ideas disagreeable to the government. It was not a crime for the plaintiff inmates to be members of leftist political organizations, Judge Parker said, even if those organizations had engaged in unlawful pursuits in the past. Reported in: *West's Federal Case News*, August 5.

Cambridge, Maryland

A federal judge September 8 ordered Dorchester County Jail officials to ease restrictions on reading materials for inmates and allow them most publications of their choice. U.S. District Court Judge Joseph C. Howard issued a preliminary injunction eliminating rules under which inmates had access only to a local daily newspaper, religious material, and books from a county library.

Howard said prisoners may receive magazines and other publications of their choice except when they describe escape plans, are obscene as defined by Maryland law, or contain instructions on making weapons, drugs and alcohol.

The order was issued pending a civil trial on both the publications issue and allegations of severe crowding at the century-old jail. Howard issued another injunction directing jail officials to stop triple-celling inmates. Reported in: *Washington Post*, September 13.

family planning

Washington, D.C.

The Agency for International Development's (AID) implementation of its eligibility policy for family planning grants violates the First Amendment, U.S. District Court Judge June L. Green ruled July 1. The AID restrictions barred domestic organizations from subgranting funds to foreign organizations that promote abortion. "Promotion of abortion" was said to include dissemination of information about the availability of voluntary abortion services. Judge Green thus ruled that the restrictions were based on subject matter and that the implementing clauses could have been drawn more narrowly, without sacrificing the governmental policy against abortion as a method of family planning. Reported in: *West's Federal Case News*, August 5.

zoning

Kansas City, Missouri

An ordinance requiring C-X zoning for establishments with "exotic dance" facilities operated as a prior restraint upon a lounge owner's protected First Amendment right to have exotic dancers at his lounge, U.S. District Court Judge Joseph E. Stevens, Jr., ruled June 28. The ordinance was declared unconstitutional because it did not contain any clear, objective standards for the city council to use in determining whether to approve a rezoning application. Reported in: *West's Federal Case News*, August 19. □

(*Last Temptation . . . from page 195*)

Wildmon's American Family Association (AFA) sent 30 and 60 second recorded statements against the film to more than a thousand Christian radio stations, requesting that they be aired as public service announcements. AFA said the spots were part of a larger campaign to spread the MCA boycott, including mailing 2.8 million letters and shipping anti-*Last Temptation* petitions to radio and television stations. "Those spots are to motivate the Christian community to action," Wildmon said. "If they show that movie a week, or six months, or one day, there's still going to be a boycott for one year."

Elsewhere, crusaders in Atlanta; Scranton, Pennsylvania; and Queens, New York condemned the imminent release of the film. A Baptist preacher from Georgia, Rev. Richard Lee, said he had collected more than 25,000 signatures on a petition denouncing the picture. In Scranton, Roman Catholic Bishop James H. Timlin called for a boycott of the movie. In Queens, several thousand members of a Greek Orthodox church took part in a street demonstration protesting *Last Temptation's* release.

In the Chicago suburb of Chicago Ridge, the village board voted 5-1 July 19 to ask local theaters not to show the film. The lone dissenter, trustee Charles Tokar, said he refused to join the action because no member of the board had seen the movie. He said he had read the novel by Nikos Kazantzakis on which it is based and found "it had emphasized the divinity of Christ."

On August 9, the Roman Catholic Church threw its weight against the controversial film, with an official rating of "morally offensive." But the bishops of the U.S. Catholic Conference were relatively mild in their criticism as they told the nation's 53 million Catholics that *Last Temptation* is unsuitable for all ages. Speaking for the bishops' communications department, Bishop Anthony G. Bosco of Pennsylvania said that "nothing can be gained by viewing it. . . . Scorsese has given us an angry Christ, a bumbling Christ—a Christ more of this world than the next."

A broad range of Catholic views emerged, however, partly through a press conference at Universal City, not far from the headquarters of Universal Pictures. Nobel Prize winner Mother Teresa of Calcutta, India, said through her representative Robert Ziener, national chair of Rosaries for Peace, that if Catholics will intensify their prayers and implore God through the rosary, "Our Blessed Mother [Mary] will see that this film is removed from your land."

Mother Angelica, founder-leader of the Eternal Word Television Network in Birmingham, Alabama, who appeared at the press conference, predicted that anyone who goes to watch the "sacrilegious" film will be committing "a deliberate act of blasphemy" and thereby choosing "between heaven and hell."

The nun, who appears on a thrice weekly call-in show, discussed the film during her broadcasts and called on viewers to "express their alarm." Though she admitted that she had not seen the movie, Mother Angelica warned it would "bring the kind of chastisement our country has never seen before."

As the protests mounted, the motion picture industry rose to the defense of the film and Universal. On July 22, Jack Valenti, president of the Motion Picture Association of America, pledged the support of his member companies for Universal "in its absolute right to offer to the people whatever movie it chooses."

"The key issue, the only issue," Valenti's statement said, "is whether or not self-appointed groups can prevent a film from being exhibited to the public, or a book from being published, or a piece of art from being shown. The lawyers call this 'prior censorship.' It is odious intervention by whatever name it is called."

"Protest whenever and whatever you choose? Of course. But prevent a creative work from being judged by the public. No. Not now or anytime. No prior censorship, ever." The statement was signed by Valenti and the MPAA on behalf of Columbia Pictures, the Walt Disney Co., MGM/UA, Orion Pictures, Paramount Pictures, 20th Century Fox and Warner Brothers, as well as Universal.

Valenti singled out the anti-Semitism of some protesters as especially "loathsome" and the "last refuge of a scoundrel." "It makes me furious that these people are parading behind the name of a preacher . . . What makes me look at it with such opprobrium is not only [that they are] trying to keep you from speaking out, but it hauls this old anti-Semitic dead fish across the path, and that to me is beyond redemption."

Valenti said he would "take this thing head-on." He said, "if they want to go with this I'll debate anybody, I'll talk to anybody, I'll take on anyone—because if I ever felt strongly about an issue this is it."

Despite the strong MPAA stance, several motion picture exhibitors declined to handle the movie. A southern chain, Carmike Cinemas, which operates more than 600 screens, said it would refuse to carry the film. General Cinema and Edwards theaters also declined to show it, as did Luxury theaters in the northwest and the Florida chain Wometco.

Meanwhile, the board of the Writers Guild of America took the unusual move of publicly urging film exhibitors who decided they wouldn't play the picture to reconsider. In full-page advertisements that ran August 19 in several trade publications, the guild said it "believes the decision of certain exhibitors to withhold a film from national and regional exhibition because of the opposition of a few highly vocal groups ill-serves the interest of art, the industry and the democratic society which allows both to flourish."

In the weeks following the film's release, efforts to ban its showing or to encourage exhibitors not to show it expand-

ed to local areas. In Savannah, Georgia, the Chatham County Commission passed a resolution urging citizens "not to participate in any showing of the movie," after a group of opponents attended a commission meeting. The measure passed over the objections of chairman Charles Brooks, who said government should not dictate what anyone should or shouldn't see.

On August 16, the Montgomery, Alabama, City Council adopted a resolution encouraging local theaters not to show *Last Temptation*. The resolution was introduced by Billy Turner and was supported by all but two council members. Joe Reed and Joseph Dickerson abstained. Over half the theaters in Montgomery are controlled by Carmike Cinemas, one of the exhibitors boycotting the film. The manager of the independently owned Capri Theater, however, said he would be willing to book the movie.

In St. Louis Park, Minnesota, near Minneapolis, some 300 protesters picketed the film's August 12 opening. In the Detroit suburb of Southfield, Michigan, about 75 demonstrators marched in front of a theatre showing the movie on August 17.

The controversy over Scorsese's picture also spread to Europe. In Italy, where the film was scheduled as part of the Venice Film Festival, director Franco Zeffirelli threatened to pull his film, *Young Toscanini*, starring Elizabeth Taylor, from the festival unless it could be shown at a significant distance from Scorsese's work. In remarks repeated in a broadcast to the U.S. from Rome, Zeffirelli allegedly called *Last Temptation* "truly horrible and completely deranged" and said it was the product of "that Jewish cultural scum of Los Angeles, which is always spoiling for a chance to attack the Christian world."

Later, Zeffirelli said his remarks had been "taken out of context and badly misconstrued." Calling himself "one of the best friends of Israel and Jews in Europe," he said that when he made his miniseries *Jesus of Nazareth* he had a rabbi on the set every day to insure he would not offend Jews. "Mr. Wasserman should have been equally carefully in handling something people of another faith might find offensive." Zeffirelli failed to note that Scorsese is a Catholic and that Kazantzakis was a Greek Orthodox.

While Zeffirelli defended himself, the Association of Italian Filmmakers, the Italian Critics Union, and the Democratic Film Association released a statement that said: "What we consider distasteful are the raging and generalized attacks, the resurgence of censorship by some political leaders, led by the racist contempt of a filmmaker like Zeffirelli in arrogantly insulting a culture different than his own."

Later, the American National Public Radio correspondent in Rome said that she had not interviewed Zeffirelli and that he had therefore not made on the radio the remarks attributed to him. However, she said, she had prepared a report on the controversy based on statements in the Italian press attributed to the director.

In Venice, the Catholic diocese demanded the movie's removal from the film festival, declaring that "the figure of Jesus, as it comes to us in the Gospel and as it is delivered to us by the Church, has been distorted and insulted" in the film. The diocese asked how city officials could allow *Last Temptation* to be shown at "a public institution, financed with public funds." "We pray the city will be spared a useless laceration of its social fabric," the Venice diocese's statement declared.

In a written reply to the church, festival director Guglielmo Biraghi thanked the church leaders for the "calm tone" of their statement, but added that even though he respected their opinions "I am not able to share them." Biraghi noted that when other religiously controversial films like Jean-Luc Godard's *Hail Mary* and Ken Russell's *The Devils* were shown at the festival there were no problems. "Even the local newspapers in Venice are talking about the film in a much more relaxed way," Biraghi said.

A Milan lawyer did file a citizen complaint, however, seeking to have the film seized on the grounds that it is "monstrous, obscenely sacrilegious and will irreparably strain the reputation of the Venice festival." Because of the complaint, Biraghi said he would have to show the film to a Venice judge, but that he was certain it would be approved for screening. Reported in: *Variety*, July 27, August 3, 10, 17, 24; *Chicago Sun-Times*, July 21, August 10; *Detroit Free Press*, August 20; *Minneapolis Star & Tribune*, August 13; *Montgomery Advertiser*, August 17. □

(student journalists . . . from page 192)

Some states have gone further than the federal constitution with press rights, saying their state constitutional protections are broader, but, even in those states, applying state constitutional protections to the student press would break new ground.

The free speech aspects of state constitutions have most frequently been employed in cases dealing with the right to petition or distribute leaflets on private campuses or in privately owned shopping centers. In *Lloyd Corp. v. Tanner*, the U.S. Supreme Court said private property, like a shopping mall, could prohibit free speech activity. The court later acknowledged, however, in *Pruneyard Shopping Center v. Robins*, that state courts could construe their state laws, as California did, to allow such petitioning in private places.

Most state decisions permitting free speech activity on private property like campuses and malls view these

gathering places as having established public forums. *Hazelwood* can also be viewed as a decision based on public forum theory. States that have weighed the balance and found their constitutions favor free speech over sedate shopping may, then, be more amenable to student journalists' claims.

In *State v. Schmid*, for example, the New Jersey Supreme Court found that Princeton University, by having an official statement encouraging free intellectual inquiry among its students, had thus opened its campus as a forum for free expression, including leafletting. A public high school student in New Jersey could employ this rationale to argue that by urging students to partake in interactive learning, where they discuss and question ideas, the school has also created a forum that encompasses the student newspaper and leaves it free for editors to control the content.

In Pennsylvania, a student might find help in *Commonwealth v. Tate*. There, a court said leafletters should be allowed on a private college campus because the school had created a forum for a contrary viewpoint on a controversial subject, in this case by permitting then-FBI Director Clarence Kelly to speak.

Still, student journalists would stand on firmer ground were more states to adopt statutory measures protecting their press freedoms. In the wake of *Hazelwood*, seven measures were drafted to protect student papers from administrative censorship, but only the Massachusetts proposal was passed.

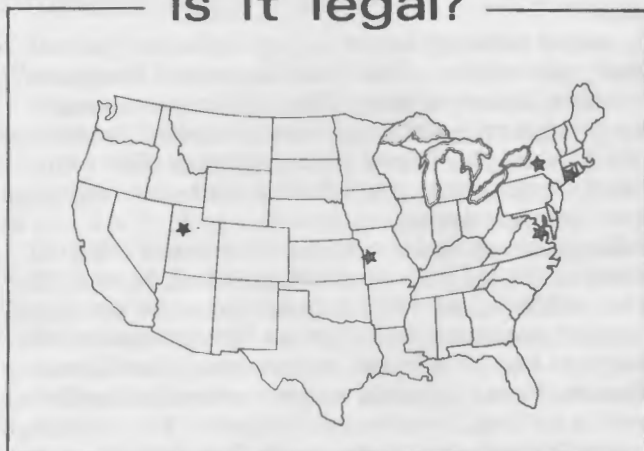
Two of the bills, Rhode Island's and Iowa's, died in a House committee after passage by the state Senate. The Iowa bill was patterned after the California Education Code section. Rhode Island's bill was patterned after model legislation drawn up by the Student Press Law Center in Washington, D.C. It included an enforcement provision lacking in the California code and in Massachusetts.

In Illinois, "killer" amendments proved fatal to a proposal patterned closely after the California statute. According to the bill's sponsor, the amendments would have provided administrators with two major loopholes. One would have given principals the right to censor articles they considered "substantially disruptive." The other would have exempted administrators from justifying whatever censorship actions they took.

In Wisconsin, the most comprehensive piece of student legislation drafted by any state so far culminated 15 years of effort by Rep. David Clarenbach. In addition to ensuring broad protection for all forms of student expression, the measure guaranteed students equal treatment in the schools, regardless of ability, pregnancy, or marital status. It was introduced before *Hazelwood*, but too late for consideration in 1988. The bill will be reintroduced in January 1989.

In Ohio, a bill protecting the student press languished for lack of a sponsor, and in Wyoming a technicality finished off the bill. These proposals also mimicked the California law. All the defeated proposals, it seems, will be reintroduced next year. Reported in: *SPLC Report*, Fall 1988. □

is it legal?



Library confidentiality

Whitesboro, New York

The Dunham Public Library last January refused a Whitestown police request to provide the names of library patrons who had checked out books dealing with satanism and the occult during the past four years. Citing New York law protecting the confidentiality of library circulation records, librarian Cheryl Pula turned down Police Chief John Finn's request for the list.

Pula said that soon after Finn approached her last January, the same request was made by James Helmer, an investigator from the Oneida County District Attorney's office. "I told him the same thing, that he'd have to get a court order," she said. "Then he read from a list of a dozen or so names, asking me if any of them sounded familiar, and did they take out books on satanism and the occult. I refused to answer." Reported in: *Utica Observer-Dispatch*, July 28, 29; *Syracuse Herald-Journal*, July 27.

FOIA

Washington, D.C.

"The Freedom of Information Act works if an administration wants to make it work—or it can create almost insurmountable problems, if an administration doesn't want to make it work."

Those were the words of Sen. Patrick Leahy (Dem.-Vermont) addressing a hearing before his Senate subcommittee on technology and the law on the twentieth anniversary of the act. The senator charged that the Reagan administration had waged an eight-year "assault" on FOIA,

"with every weapon in their arsenal." Leahy charged that the Justice Department—which had unsuccessfully sought a complete rewrite of FOIA for seven years—was engaging in a "15th century legislative debate, putting angels on a legislative pin."

Testifying before the committee was Stephen J. Markman, an assistant attorney general in the department's Office of Legal Policy. "The FOIA's original purpose—that of informing the public about the activities of the federal government in order to better inform the electorate—is increasingly being crowded out by other uses that do not serve the public interest," Markman said. "With the single recent exception of commercial requesters, the taxpayers are required to shoulder the bulk of the costs expended in providing these individualized user services. These considerations, of which federal agencies on a daily basis are all too painfully aware, necessarily shape this administration's perspective on the FOIA."

Leahy asked Markman about the controversy over granting a fee waiver to the National Security Archive. "To the extent that any request is deemed in the public interest, it will get a fee waiver," Markman replied. "But I do not think it is in the public interest to set up vast repository libraries. . . . There is no preferred or second-class treatment of libraries."

In June, a federal judge upheld a Defense Department decision not to grant the National Security Archive automatic inclusion among groups entitled to fee waivers as a tax-exempt, educational institution, or as a representative of the news media.

The hearing took place in a context of growing discontent among reporters and scholars with the administration's compliance with FOIA fee waiver provisions. In 1986, the act was amended to aid academic research. Under the amendment, academic and journalistic research was considered of benefit primarily to the general public and hence exempt from the bulk of fees incurred in processing requests for information.

But many scholars and journalists charge that not only are fee waivers regularly denied, many unclassified documents are held by government agencies for years, released only under court order, and often with all but the most innocuous information blacked out.

For example, seven years ago Professor John Weiner of the University of California, Irvine, began lecturing and writing about the life of former Beatle John Lennon. Since 1983, he has battled the CIA and the FBI to have them release files on the singer's activities in the movement against the Vietnam War and against President Nixon's reelection.

"How can 14-year-old documents on the peaceful activity of a dead rock star jeopardize national security?" Weiner asked. The FBI has argued in court that even the explanation of how the material might jeopardize national security would itself threaten national security.

Paul Maccabee, a researcher on the history of organized crime in Minnesota, told the Leahy subcommittee that he waited four years for the FBI to respond to his letter appealing the denial of a fee waiver for his research. "In the time it has taken the FBI to answer my appeal," he said, "I conceived, helped deliver, and raised two children."

In the course of his research since October 1981, Maccabee filed more than 350 FOIA requests. He has asked for more than 10,000 pages of information and only received about 2,000 pages. The information on many of those, he added, had been completely deleted.

Maccabee said that when he began he thought the Justice Department and the FBI would be supportive of his research on the Minnesota mob. "I thought they were on my side, but they have proved differently," he said. "In fact, the FBI and Department of Justice have fought me tooth and nail to prevent the files from getting out to the public."

"I think it is just a reflection of a philosophy of the Department of Justice that the American public in general does not have the right to know what their government is doing," Maccabee said when asked why he and other researchers were having so much difficulty. "The other reason is that the Justice Department has done some things they are not proud of."

Page Putnam Miller, director of the National Coordinating Committee for the Promotion of History, acknowledged the need to classify many contemporary and covert government operations, but objected to the "enormous amount of 30-year-old documents not declassified yet."

"The amount of material denied is changing the historical record," said Prof. Anna Nelson, who teaches history at Tulane University. Nelson said that while a government agency may say it releases 90 percent of its records, the 10 percent kept secret is usually critical to understanding its history.

Marvin Kalb, a former CBS and NBC correspondent and now director of Harvard University's Joan Shorenstein Barone Center on the Press, Politics, and Public Policy, said "Restrictions on information are slowing down the flow of information and have a direct effect on research opportunities." Reported in: *FOI/FYI*, September 1988; *New York Times*, September 14; *Minneapolis Star & Tribune*, August 11.

government secrecy

Washington, D.C.

A surprising author—Stansfield M. Turner, Director of Central Intelligence in the Carter Administration—has accused the CIA of violating his First Amendment rights. Turner said he had undergone "a painful . . . process" before his book, *Secrecy and Democracy: The CIA in Transition*, was allowed to be published three years ago. He called

his ordeal "a gross abuse of the constitutional right of free speech."

In August testimony before the Legislation and National Security subcommittee of the House Government Operations Committee, the retired naval officer criticized the agency's prepublication review of books written by former members of the CIA and the National Security Agency. He recommended Congressional oversight and a ten-year limit on prepublication reviews.

Admiral Turner cited several examples from his own experience. "While I was director of the CIA," he said, "I gave a number of unclassified speeches to audiences with no security clearances. In one of those I gave a hypothetical example of how we integrate various types of intelligence collection. When I attempted to quote my own unclassified speech in my book, I was denied permission. Yet, I obtained quite freely a copy of my speech from the CIA, and assume, since it is not classified, that you or any citizen could do so today." Reported in: *New York Times*, August 31.

FBI

Washington, D.C.

A freelance reporter's sensitive memos to his editor at CBS News, along with notes of interviews with confidential sources, were discovered this summer in the files of the Federal Bureau of Investigation. The documents, copies of which were apparently stolen during two break-ins at the reporter's Costa Rica home, were released by the FBI in response to a subpoena.

Rep. Don Edwards (Dem.-Calif.), chair of the House Judiciary subcommittee that oversees the FBI, said July 26 that the documents indicate that the FBI "could have been getting the fruits of political burglaries and break-ins."

The materials released by the bureau contained a number of memos marked "Confidential" and "Urgent" that were sent by reporter Tony Avirgan to his editor, John Harris, in the Miami bureau of CBS News. It also contained typed and handwritten notes from interviews with sources. Attorney Lanny Sinkin said the FBI could not have obtained the material by the way of CBS because some of the interview notes released were never forwarded to CBS News.

In May, 1986, Oliver L. North, then a member of the White House National Security Council staff, asked Oliver Revell, the FBI's executive assistant director, to investigate Avirgan and his wife, free lance journalist Martha Honey, for links to the Nicaraguan government.

Avirgan and Honey are plaintiffs in a controversial suit mounted by the Christic Institute alleging illegal gun and drug running by a "secret team" of current and retired military and intelligence officials. The suit, dismissed in June, is on appeal. Reported in: *Washington Post*, July 27.

broadcasting

Washington, D.C.

House and Senate negotiators agreed September 26 to bar the Federal Communications Commission from changing its rule that bans ownership of a broadcast station and a newspaper in the same market. The instruction was included in a \$14.8 billion compromise spending measure.

The FCC provision, which was part of the Senate bill, would prohibit the commission from changing or even reexamining the ownership rule during the coming fiscal year. That 13-year-old rule was designed to break up media monopolies by prohibiting a company from owning a newspaper and a television or radio station in the same market.

Last year, Congress sparked a controversy by including in a similar omnibus spending bill a provision barring the FCC from waiving the rule for Rupert Murdoch, who then owned a television station and a newspaper in both Boston and New York. The courts invalidated the provision, while Murdoch sold the *New York Post* and said he would place Boston television station WFXT in an independent trust (see *Newsletter*, March 1988, p. 61).

The FCC began loosening the rule under the Reagan administration, arguing that the growth of media outlets is protecting the public against media monopolies that would dominate public debate. Reported in: *Wall Street Journal*, September 27.

Department of Education

Washington, D.C.

An official in the Education Department's research branch manipulated established review processes to block funds to disseminate a curriculum on the Holocaust that offends her conservative beliefs, according to an advocacy group and department employees. Shirley Curry, director of the recognition division in the office of educational research and improvement, has "abused her discretion in service to her rigid ideology," charged Max McConkey, head of the National Dissemination Study Group, an organization representing members of the National Diffusion Network.

The network makes exemplary instructional programs on a variety of subjects available to school districts. The project in question was "Facing History and Ourselves," a curriculum dealing with the persecution of Jews during World War II that has been included in the network for many years. A storm of controversy erupted last year when "Facing History" was first denied dissemination funding.

Comments by one department reviewer that the program failed to present the views of the Nazis and the Ku Klux Klan received national media attention, and some department officials later admitted that the curriculum had not received a

fair review. Because of the controversy, the department was forced to abandon a "program significance panel" it had planned to add to the review process to screen programs for "appropriateness." Critics alleged that the second review panel was intended to censor programs for political reasons.

The developers of "Facing History" reapplied for network funding this year and received high marks from reviewers. However, McConkey charged, Curry was determined to prevent the program from receiving federal funding. Sources said she told employees that she would ensure the program not be funded because Phyllis Schlafly disliked it. In letters to department officials last year, Schlafly said the Holocaust curriculum involved "psychological manipulation, induced behavioral change, and privacy-invading treatment."

Apparently, Curry decided to fund no projects in the history, geography, and civics category in which the disputed project had applied—solely, her critics charged, to deny it a grant. "Even if projects get high scores you don't necessarily have to fund them, but it seems that authority is being used improperly," one source said. "I'm torn, because this is a discretionary program and not an entitlement. But in this case, what's being done is not fair and it's not right." Reported in: *Education Week*, September 14.

student press

Ridgefield, Connecticut

The editor and adviser of the literary magazine at Ridgefield High School filed suit in federal court May 5, charging that new school restrictions on the magazine are unconstitutional. The students won a temporary victory soon after, when the school district agreed to fund the 1988 issue of *Lodestar* and delay enforcing the regulations until after the case goes to court.

The suit challenges a ban on alumni writing in the magazine and a new policy giving the school more control over student publications. "We decided that they didn't have the right to determine our content," said *Lodestar* editor Suzanne Rieke.

The case could set an important legal precedent, since it is the first student press claim filed since the Supreme Court's *Hazelwood* decision. *Lodestar* attorney William Laviano said the suit differed from *Hazelwood* because the *Lodestar* is not part of a class. But school attorney Robert Mitchell called that argument "a bunch of baloney." He said that any activity that receives school funds is a curricular activity, even though it might be seen by the public as extra-curricular. Reported in: *SPLC Report*, Fall 1988.

cable TV

Kansas City, Missouri

American Cablevision has offered members of the Kansas City chapter of the Ku Klux Klan the chance to air their views on two community access shows—thereby temporarily shelving plans by the American Civil Liberties Union to file a lawsuit to protect the KKK's First Amendment rights. Previously, American denied a request by the Klan to produce its own show—"Klansas City"—on the system's new community access channel.

That request, made in July, was part of a strategy devised by the ACLU. The request was accompanied by a letter from Stephen Pevar, chief counsel for the ACLU's Mountain States Regional Office in Denver, warning the cable company it could be violating the First Amendment. In June, the city council voted 9-2 to ask American Cablevision to eliminate the public access channel rather than give the Klan airtime.

Robert Niles, American Cable president, refused the request, but invited the Klansmen to appear on two regular community access shows—"Kansas City Alive" and "Justice." "We have First Amendment rights, too, and that seems to have been forgotten," explained Jeff Johnston, an American Cable vice president. "I've no problem with the Ku Klux Klan being interviewed on a news show, but why should we have to give them or anyone else their own chunk of time?"

The controversy began a year ago when local KKK members requested that American air "Race and Reason," a nationally circulated white supremacist show. More than two dozen cable systems across the country have shown "Race and Reason," with protests occurring in Cincinnati, Pocatello, several northern California communities and elsewhere. In New York City, the program was cablecast three times in July on a public access channel.

When cable television first developed in the 1960s, many local governments, with FCC support, began mandating that cable operators provide the public with free access to designated channels. Congress tackled the public access issue in 1984, passing a law that allows—but does not compel—municipalities to require cable franchises to provide a free public access channel. Under the 1984 Cable Act, *anyone* can get on such channels. Cable operators are not permitted to exercise any editorial control over content, except to exclude clearly obscene material. Reported in: *New York Times*, July 31; *Variety*, August 24.

subway advertising

Washington, D.C.

The board of the District of Columbia Metro rapid transit system voted July 28 to allow the display in the subway system of two advertisements concerning the recent Palestinian uprising in Israeli-occupied lands. Jewish groups called the posters misleading and inflammatory. The ads were sponsored by the American Arab Anti-Discrimination Committee, which spent \$10,000 to place 296 of them in subway cars for thirty days in August.

The ads contain a photo of several Palestinian women cowering before Israeli soldiers. One poster is captioned: "Israel Putting Your Tax Dollars to Work . . . Only Congress Can Stop the Madness." The other poster lists three nations, the Soviet Union, South Africa, and Israel, with a caption reading: "One Yardstick for Human Rights."

A joint statement by the United Jewish Appeal Federation of Greater Washington and the Jewish Community Council of Greater Washington said, "The ads in question are provocative and inflammatory . . . We think it is inappropriate for a public authority to be the vehicle in which inflammatory and misleading ads of this sort are displayed."

Metro board member Richard J. Castaldi said that he had received 20 to 30 calls protesting the ads, and he proposed to the Metro board that it ask the committee to wait a week before running the ads. Castaldi said the delay would allow the board to discuss whether the system should stop accepting all political ads. But Metro general manager Carmen E. Turner said there could be "legal consequences" to delaying the ads.

Four years ago, Metro lost in court when it tried to deny advertising space for an anti-Reagan poster, which Metro officials viewed as false and deceptive. The U.S. Court of Appeals ruled that because Metro had a policy of accepting political ads, it would be unconstitutional to reject individual ads on the basis of subjective judgments as to their truth.

"The price we pay for the expression of views in this country is that sometimes the expression of views is distasteful to us," said board member Mary Margaret Whipple. Castaldi cast the only vote in favor of the delay. Reported in: *Washington Post*, July 29.

privacy

Washington, D.C.

A government plan to equip 52,000 pharmacies with computers to keep track of the medications and drug expenditures of 32 million Medicare beneficiaries has aroused concern about privacy. The federal computer system, as planned by the Department of Health and Human Services, would determine quickly whether a patient qualified to receive a drug

as a benefit and whether the \$600 annual deductible to participate in Medicare had been paid.

But critics say the plan poses a threat to individual privacy and offers too much power to organizations that collect and collate such data. Rep. Don Edwards (Dem.-Calif.) said the plan was "fraught with danger." The department "is putting very sensitive information in a computer and making it available nationwide," he said. "There should be strict confidentiality protections, total accuracy and the information should be limited to the narrowest necessary to administer the problem."

"The protection of the patient's privacy will be an overriding consideration," said Louis Hays, associate administrator for operations at the Health Care Financing Administration, a department branch. "Everything we do in developing the drug program will be done with a view toward protecting the privacy of Medicare beneficiaries. The computer system will be designed to be secure." Reported in: *New York Times*, July 17.

obscenity and pornography

Washington, D.C.

Representatives of the American Library Association, the Association of American Publishers, and the American Booksellers Association testified at a hearing August 11 before the House Judiciary Subcommittee on Crime, expressing deep concern over H.R. 3889, the House version of The Child Protection and Obscenity Enforcement Act of 1988.

The legislation grew out of controversial recommendations in the 1986 Report of the Attorney General's Commission on Pornography, popularly known as the Meese Commission. Although Title II of the bill ostensibly relates only to material that is legally obscene, its provisions, the organizations charged, will have a chilling effect on the sale of all materials with sexual content. The three groups voiced their sympathy and support for provisions aimed at eliminating child pornography, but voiced strong opposition to the "sledgehammer approach" of the obscenity enforcement provisions which would, as AAP asserted, impose "devastating penalties for what can fairly be characterized as minor obscenity offenses."

"In AAP's view it is simply excessive to throw a publisher or bookseller into jail for five years for distributing one book which some local community, applying the unpredictable standards of the *Miller* test, decides is obscene—not to mention, on top of the jail term, the seizure of printing presses and store fixtures," AAP attorney Linda Steinman told the subcommittee. "The draconian penalties for the sale of a single title mean that the full weight of the statute may fall upon the one-time, inadvertent offender who guessed wrong at community barometers of offensiveness."

On September 28, Sen. Strom Thurmond (Rep.-S. Carolina) succeeded in attaching the Senate version of the bill to a parental leave bill. This left open the possibility that a similar move might occur in the House, or that the bill might sneak by in House-Senate negotiations over the parental leave bill. On September 30, the following telegram was sent to members of the House by booksellers and others:

"The U.S. Senate has been stampeded into appending a bill that has serious constitutional flaws to another piece of legislation, the Parental and Temporary Medical Leave Act. This bill, S. 2033, was promoted as attacking child pornography. In fact, it threatens librarians, mainstream publishers, booksellers, periodical wholesalers and others who distribute or sell First Amendment-protected books and magazines with up to five years in the federal penitentiary, up to \$150,000 in fines and the forfeiture of their businesses for mistakenly selling material that is later found to be obscene.

"The constitutional defects of this legislation were explained at length in hearings before the House and Senate. It was pointed out that the forfeiture provisions similar to those found in this bill are currently being challenged before the U.S. Supreme Court. Many Senators have publicly recognized the constitutional problems with the legislation. These led members of the Judiciary Committee to urge Senator Strom Thurmond to accept a compromise bill, but he refused. Senator Thurmond then added the bill as an amendment to the parental leave bill. The amendment passed by a lop-sided margin because many of the Senators believed the bill concerned only child pornography; others refused to vote against a bill that has anything to do with child pornography out of fear that their opposition would be distorted by anti-pornography groups and political opponents.

"The House has made the most thorough study of this legislation, H.R. 3889. Crime Subcommittee Chair William Hughes encouraged extensive testimony by both proponents and critics of the legislation. We commend Chairman Hughes for his deliberate approach to this bill and his firm insistence that the fight against child pornography and obscenity not be permitted to weaken First Amendment rights. We urge you to oppose any effort to circumvent the Crime Subcommittee by adding the legislation as an amendment to another bill. The House must show the Senate that the rights of librarians, as well as legitimate business people matter, even in an election year." Reported in: *AAP Monthly Report*, September 1988.

(continued on page 226)

Secrets of the New Age by Texe Marrs² was first published in 1987, and the 1988 copy I have is from the sixth printing."

"You probably have a quotation from that one to chill me."

I read this passage from page 230:

Our children have been at risk for decades now as Satan has worked The Plan, wielding his dark supernatural powers in unprecedented attack waves. His goal: to wipe out all vestiges of Christianity and the Bible from our schools and our culture and, by so doing, to win youth away from Christ.

Atheism and Secular Humanism, though extremely successful, were only crude first attempts by the Devil. In the New Age movement and religion, Satan has latched on to something far more effective and more direct. . .

"I don't know too much about the New Age movement, but I don't think there is a single religion connected with it," the superintendent said. "I recall reading in Marilyn Ferguson's *The Aquarian Conspiracy*¹³ that it is a 'powerful, leaderless' network of thousands of organizations. Nearly anything can be called New Age. That umbrella term covers everything from holistic health to belief in superbeings. The New Age movement is so broad, so diverse, and so disconnected that I doubt that it could ever be legally recognized as a religion."

"Some schoolbook protesters say that the New Age movement is trying to impose a one-world government and a one-world religion—pantheism—on all of us. The protesters think that 'New Agers' are corrupting the young with global education, sex education, values clarification—"

"Those are the same charges that they used for secular humanism," the superintendent interrupted.

"Exactly," I said. "The protesters are using the same tactics they did for secular humanism. The same national organizations are involved. People are invited to attend meetings to hear about the evils of globalism and the New Age. Four hundred attended such a meeting in Indianapolis in September. It was co-sponsored by Concerned Women of America and Citizens for Excellence in Education. One of the speakers was the woman who led the protest against a thinking skills program in southern Indiana. She thinks it's part of the New Age religion and globalism—"

"You're making this up," the superintendent interrupted.

"I wish I were. Here is a draft of an article I'm writing on the incident in Gibson County. Would you like to read it?"

"I know I won't like what's in it, but I'd better read it," the superintendent replied.

This is what he read,

Two communities in the states of Indiana and Washington recently fought bitter battles over a thinking skills program. And the self-proclaimed winners are taking their charges to other communities and even to Congress.⁴

The following assignment precipitated a storm of protest in two school systems in Gibson County (Indiana) during the spring of 1988: "Have students focus their attention on some stimulus (e.g., a spot on the wall). Explain to them that you want them to focus all of their energy for about a minute and ask them to be aware of what it is like when they are really trying to attend to something."⁵

A group of seven determined women and their followers contended that the exercise could cause a student to fall into a self-hypnotic trance. They charged that the "technique" used in Robert Marzano's *Tactics for Thinking* "is no different from the one used in hypnosis, in mind control, and in New Age meditation."⁶ Using an unusual method of reading an author's references, they tied Marzano and his book to the New Age Movement and spread fear among members of several communities that their children were being brainwashed to believe in a one-world government and a one-world religion.

The "Tale of *Tactics*" began in Battle Ground, Washington, when "25 to 30 irate citizens" alleged that it advances the occult and subjects children to brainwashing. After the school board decided that the charges were unfounded, two women took the issue to the Instructional Materials Committee, which voted 24 to 1 to deny the challenge.⁷ (One of the two women does not live in the Battle Ground school district; in fact, she is chair of a school committee in a nearby community. The intense involvement of non-members of a community in schoolbook protests throughout the nation is increasingly common.)

Undaunted by the 24-1 vote, the protesters continued their fight against *Tactics*. In a telephone conversation in mid-May, the superintendent of the Battle Ground school system told me that *Tactics* was "in a holding pattern as a result of the backlash from the community." The furor over *Tactics* threatened a school bond issue and a mill levy that were not passed until the thinking skills program was put on hold. The superintendent said that many of those "who raised objections here were home schoolers who didn't even have children in school at the time."

An Indiana woman who teaches her own children at home read about the Battle Ground incident in a publication on home schooling. She went for more information and then organized six other women (three of whom are teachers in East Gibson) into a group that protested *Tactics* in two Gibson County school corporations. They also prepared a presentation to be used against the thinking skills program not only in Gibson County but in at least three other counties in Indiana.

Scouring *Tactics* for connections with the New Age movement and globalism, the seven women also studied the references the authors cited. In a 42-page report to the school board,⁸ they tied *Tactics* to the New Age by noting that Marzano "references *Megatrends* by John Naisbitt." The back cover of Naisbitt's book contains "glowing endorsements

from Alvin Toffler, author of *The Third Wave*, a new age book, and from Marilyn Ferguson, one of the world's most infamous new agers and the author of *The Aquarian Conspiracy*.⁹ Thus, the seven women apparently concluded that Marzano's *Tactics* should be considered a product of the New Age movement since he "references" Naisbitt, who is endorsed by "new agers."

The seven women denounced globalism as a search for one-world government and one-world religion. To connect Marzano with globalism, they read *The Working Brain*, by Alexander Romanovich Luria, a Marzano reference. Luria's work serves as a standard reference for many psychologists. But, apparently, Luria's involvement in a cross-cultural experiment in Uzbekistan prompted the seven women to tie him to the quest for one-world government.¹⁰ Thus, since Marzano cites a person allegedly interested in one-world government, Marzano himself must also be a globalist, according to the East Gibson protesters.

As they scrutinized Marzano's references, they searched for any word, phrase or idea they could use to tie *Tactics* to the New Age and globalism. They discovered that Marzano does not always agree with, or follow, every idea in his reference books. This, according to the women, is unacceptable, apparently because a scholar should obviously agree with everything in a book used as a reference.

Early in their document they noted that Marzano does not cite page numbers in his references which "necessitates a reading of the entire book. Exactly what material he is referencing he does not say." They wrote: "He [Marzano] makes the chore of researching his work as difficult as possible; therefore any rebuttal by Marzano of a critical appraisal of his work would to us have no credibility. Nor would any rebuttal of anyone we would suspect as a supporter of this liberal thinking be acceptable to us."¹¹

In intense letters-to-the editor campaigns in several area newspapers, the seven women denounced *Tactics*, the New Age, and globalism. They did the same in school board meetings in East and North Gibson, but they had a greater impact at East since three of the seven are teachers there. And the president of the East Gibson classroom teachers association added his voice to the protest by announcing that the decision to use *Tactics* should be made by the parents and not by teachers because "students belong to parents, not teachers."¹² He also openly opposed academic freedom for teachers.

In direct contrast, North Gibson's teachers, superintendent, school board, and school administrators stood firmly behind *Tactics*. The thinking skills program was also endorsed by the Chamber of Commerce, Partners in Education, the Community Advisory Council, and the Ministerial Association. At its meeting in early May of 1988, the North Gibson School Board voted 5 to 0 to keep *Tactics*.

East Gibson's board conducted a modified debate on *Tactics* at its May (1988) meeting. Ronald S. Brandt, executive

editor of the Association for Supervision and Curriculum Development, and I were given 35 minutes to present a case for the thinking skills program and to refute the arguments made by the protesters, who were also given 35 minutes. Then each side was given 15 minutes for rebuttal.

In his opening statement, Brandt noted the purpose of *Tactics*, expressed his faith in the author, refuted the hypnotism charge, and declared that the thinking skills program "has nothing whatever to do with global education." After complimenting the seven protesters for their thoroughness in reading Marzano's references, he said: "Unfortunately they have apparently misunderstood the program and misinterpreted its intent. There is nothing mysterious or subversive about any of the tactics."

Focusing primarily on the arguments the protest leader presented to the East Gibson School Board in December, I gave the board and the protesters copies of my commentary on her 8-page presentation.¹³ I made 53 notes on her 29 paragraphs, and fourteen of my comments were several paragraphs long. Most of my notes challenged the facts and/or the evidence in the protest leader's document.

After distributing a two-page definition of global education that was in sharp contrast with the protesters' conception,¹⁴ I compared the attacks on *Tactics* and global education to the strategies used against secular humanism. Then I attempted to refute the protester's definitions of global education, hypnotism, and pantheism, which the leader designated as the religion of the New Age. In reviewing the documents prepared by the seven women, I told the board that I detected the direct influence of five national organizations that attempt to remove materials from public schools: Eagle Forum, Concerned Women of America, National Association of Christian Educators, Citizens for Excellence in Education, and Educational Research Analysts. Through further investigation, I found materials that could be traced to the John Birch Society. My findings were not disputed in the protesters' rebuttal.

In their 35-minute presentation, the protesters read from their 42-page document. They used students to act out what they considered to be the similarities among yoga, self-hypnosis, involuntary attention, semi-trances, and three exercises in *Tactics* which they claim could cause students to fall into trances without teachers realizing it.

In the time allotted for rebuttal, Brandt and I again refuted the hypnotism charge. I suggested that the audience applaud the young actors, and then I noted how often people stare at something for 30 seconds or more without falling into a self-hypnotic trance. Examples: staring at a TV, at a minister in church, at a singer or dancer, at a basketball team during a timeout, at the president of a school board during a meeting, at a sentence in a book that makes little sense, at a spot on the floor in embarrassed silence, or at a spotlight.

A member of the President's Committee on Education, former Indiana State Senator Joan Gubbins was the major

spokesperson in the protesters' rebuttal. After congratulating the seven women on their fine work and for their concern for the children in the community, she read selected passages from Marzano's own evaluation of the thinking skills program. She concluded that it is "a little oversold and grossly underinvestigated." Approximately 60 percent of the audience gave Senator Gubbins and her companions a standing ovation.

At the end of the modified debate, the president announced that the board would vote on *Tactics* at its June meeting. By votes of 3 to 2, the board passed two resolutions. The first called for the East Gibson school corporation not to use *Tactics* in its staff development program. However, the board stated in its resolution that it "respects the rights of individual teachers to use the resources each has in furthering our common goal of educational excellence, and will protect the teacher's rights to academic freedom and their commitment to professional responsibility."¹⁵ Thus, the board said, in effect, that teachers who had been using *Tactics* in their classroom could continue doing so.

A second resolution stated that the board "wishes to pursue a thinking skills program as a part of our School Improvement Process. The first requirement for such a program to be effective is that both the administration and the teaching staff must support that program." The board then resolved to "form a team of teachers and administrators to work together to select materials to formulate a program that will teach our students thinking skills."¹⁶

Members of the audience jeered, stamped their feet, and sang during the board meeting. The president of the classroom teachers admonished the board for "making a landmark decision on academic freedom." He said that "the corporation had just given teachers complete and unadulterated academic freedom. The teacher will be allowed to use any method he sees fit that would best educate students."¹⁷

The protesters vowed to continue their fight to remove *Tactics* from the Gibson County schools, to recall board members if necessary, and to elect their own candidates to the board. The leader of the protesters suggested that "if *Tactics* philosophy was carried to its logical end, students would be allowed to experiment with drugs and nude models in art class would be commonplace." In her pledge to continue the protest, she said: "We won't roll over and play dead. We are not ready to give up our best resource, our children, to education nincompoops."¹⁸

The battle over *Tactics* has not ended. The leader of the seven women has become spokesperson for the National Citizens Alliance, was the subject of a press conference in Washington, D.C., and is "spearheading a national drive to get a committee of Congress to investigate and air the entire matter (critical thinking programs)."¹⁹

The superintendent of North Gibson remains at his post. But the man who brought a thinking skills program to East Gibson resigned to become the superintendent of a larger school corporation. While in the midst of the controversy at East Gibson, he "received harassing phone calls and death threats. He had to be escorted to his car and home from school by police on several occasions," and his children were also harassed.²⁰ Apparently the superintendent and his family endured insults and threats because the thinking skills program "didn't fit in with basic Judeo-Christian ethics."²¹ □

Notes

1. William M. Bowen, Jr., *Globalism: America's Demise*. Shreveport, La.: Huntington House, 1984, p. 15.
2. Texe Marrs, *Dark Secrets of the New Age*. Westchester, Ill.: Crossway Books, 1988, p. 230.
3. Marilyn Ferguson, *The Aquarian Conspiracy: Personal and Social Transformation in the 1980s*. Los Angeles: J.P. Tarcher, 1980.
4. "Schools 'Alter' Children," *Spotlight*, September 5, 1988, p. 12.
5. Robert J. Marzano and Daisy E. Arredondo, *Tactics for Thinking—Teacher's Manual* (Alexandria, VA.: ASCD, 1986, p. 11).
6. Presentation of Jeanne Georges to the School Board of the East Gibson School Corporation, December 14, 1987.
7. Steve Hoskins, Co-President, Battle Ground Education Association, Letter to the Editor, *Oakland City Journal*, Dec. 16, 1987, p. 2.
8. "A preliminary report taken from the supporting research of the *Tactics for Thinking* manual," March 14, 1988. Compiled by: Camille Aydt, Patricia Burkhart, Cecile Caldemeyer, Deborah Cochrane, Jeannie Georges, Vicky Georges, and Abby Vukovich.
9. *Ibid.*, p. 5.
10. *Ibid.*, p. 15.
11. *Ibid.*, p. 42.
12. "45 attend East Gibson meeting," *Oakland City Journal*, Nov. 10, 1987.
13. Edward Jenkinson, "Commentary on the Presentation of Jeanne Georges to the School Board of the East Gibson School Corporation on December 14, 1987," May 9, 1988.
14. James M. Becker, editor of *Schooling for a Global Age* (New York: McGraw-Hill, 1979), prepared a 2-page definition of global education for me.
15. East Gibson School Corporation, Board of School Trustees, Resolution 3, passed 3-2 on June 13, 1988.
16. East Gibson School Corporation, Board of School Trustees, Resolution 4, passed 3-2 on June 13, 1988.
17. "Board lets teachers decide," *Oakland City Journal*, June 14, 1988, p. 1.
18. "Gibson parents vow to fight 'Tactics' teaching program," *The Marion (Indiana) Chronicle Tribune*, September 11, 1988, p. A-1.
19. "Schools Alter Children," *op. cit.*
20. "Oak Hill superintendent left controversy, bitterness behind," *Marion (Indiana) Chronicle Tribune*, September 11, 1988, p. A-1.
21. *Ibid.* □

success stories



library

Eden, North Carolina

The Rockingham County Library Board of Trustees voted 3-1 in late July to allow a book concerning the homosexual relationship between two 17-year-old girls to remain on the shelves of the county's four libraries.

The book, *Annie on My Mind*, by Nancy Garden, had been the target of a petition drive instigated by Ellen Crowder, who wanted the book removed from the shelves or moved from the young adult to the adult reading section. Crowder had found the book when looking for reading material for her 11-year-old daughter (see *Newsletter*, July 1988, p. 122).

The vote, carried out by mail, was to keep the book in the young adult section. When Crowder first presented her petition to the library board, Library Director Bob Ward appointed a four-member committee of library employees to review it and report their findings. The committee decided that the book was suitable for younger readers. Reported in: *Greensboro News & Record*, August 2; *Eden Daily News*, August 2; *Reidsville Review*, August 2. □

(*'kill the messenger'* . . . from page 194)

is legitimately public. All I can say is know that if you run for the highest office in the land, your life will be an open book. All the skeletons in the closet will be exposed, if not by the press, then by the political opposition or even members of your own party. The candidate can say all he wants—that it's none of your business. But it is the people's business. And once you decide to run for public office, there is too much at stake and no place to hide. As a matter of fact, if you seek a top government job, it seems, you'd better make

up your mind at the age of seven and live accordingly. I'm teasing, but not so far off. Potential candidates are finding themselves under a microscope. Most things are forgivable, but lies are not. Candidates should take heed of Johnny Carson's quip: only lie about the future. The late Senator Aiken used to say in the Watergate era: if you tell the truth, you don't have to remember what you said the last time. And wise man that he was, he used to tell Johnson and Nixon as they struggled in the quagmire of the Vietnam War, "Declare a victory and leave!" For better or for worse, a candidate will be judged, not as Caesar's wife, but on character and honor. Everyone today is wired for sound. Everyone is on camera if they are public persons. And one might presume that such scrutiny would be a deterrent. But, as you can see, there was no dearth of candidates going for the brass ring.

As for the White House, Reagan is now in the twilight of his presidency. He abhors the lame duck label and he feels that he has miles to go before he sleeps. But the exodus of Howard Baker as Chief of Staff emphasizes the look of a caretaker government. The president has prided himself in having team players around him. But he must be thinking now, with friends like that, who needs enemies. Like Don Regan and Larry Speakes, their tell-all books with the bark off are very revealing of the president's hands-off style, program scenarioed as he is everyday. But they are tougher on the First Lady, portraying her as domineering and meddling. But she has prevailed and her answer to her detractors is: so be it, she has a right to protect her property. The books are insightful and they present an insider's view. Usually such memoirs await the demise of a presidency. Humility is not their stock in trade. But bring them on. If ignorance were bliss,^t would be folly to be wise. Besides, the Reagans will have their turn at bat after January 20, with their multi-million dollar advances on their books.

We've been through a lot in Washington in recent times. And sometimes we were not sure who was at the helm—Ollie North or William Casey. For all who aspire to the role of leadership, credibility and accountability are the *sine qua non* that make the difference. We do hold them to a high ethic because they hold the public trust. Some of the dust has settled in the Iran-Contra scandal. The president has survived, although his credibility and his leadership have been called into question. The president had two roads to go: complicity, which would have been even more costly, or ignorance. He chose the latter as the better part of valor. The president had promised to shout from the rooftops once the devastating congressional hearings were over. Instead, we heard not a bang, but a whimper, with the president saying, "There's nothing I can do that will make the situation right." His likability saved him from the fall. It was operation survival at the White House and it worked—an inaccessible president, a very protective staff—any good PR person would have advised the same. But the truth was lost, perhaps

forever. The congressional report says that the president failed to see that the laws of this land were faithfully executed and that if he didn't know, he should have. His only reaction, according to Howard Baker, is that he felt put upon. That's right, put upon. We saw in the hearings Admiral Poindexter and Colonel North. Two military men, both of whom have sworn on a Bible many, many times in their careers, publicly boast that they had lied, deceived Congress and everyone else in the top strata, altered reports, shredded and burned official documents, after a government inquiry was underway. They shredded the truth to confetti. North said that if he had his way, he would divulge nothing to Congress. Poindexter said our goal was to withhold information. This is the man who was touted for a photographic mind, who said, "I do not recall," 184 times.

The Attorney General had a faulty memory almost as many times. Fawn Hall, North's secretary, told Congress, "Sometimes you have to rise above the written law." Reagan has not uttered one word of condemnation of the actions of these men and no outrage that he was kept in the dark during those terrible days. We're all quite sure Reagan would like to pardon North and Poindexter, perhaps others, before he leaves office. In the Watergate scandal, John Mitchell's memorable line was, "Watch what we do, not what we say." And last year Reagan told the Republican leaders, "The people like me but they don't believe me." Justice Brandeis said some fifty years ago, "If the government becomes a law breaker, it breeds contempt for the law." He also said that a constant spotlight on public officials lessens the possibility of corruption.

Well, great presidents stand up to be counted and they must always rise to unforeseen occasions. They also know that in terms of their responsibility, all roads lead to Rome. One man's courage is a majority. Sometimes, we have had profiles in courage in the presidency, and the president is revving up for his last hurrah, but he still insists that he's going to have this socko third act, triumphal fourth quarter. Nevertheless, the Reagan revolution is winding down and the world scene is changing. The president had to settle for a negotiated peace in Nicaragua, much as he tried for a military victory over the last seven years. And he's still obsessed with star wars. His wife Nancy is trying to steer him toward center stage so that he will leave gracefully on a more moderate course. The president believes that the only role of government is national security. But Lincoln said that government should do for people what they cannot do for themselves. The president has always had a "High Noon" image in the White House, but he has found out that there are limitations even for a nuclear power, especially for one. As he has moved toward a new *detente*, he has tried to appease his angry conservative supporters whose wrath he incurred when he said that the conservative opposition believes that a nuclear war with the superpowers is inevitable. Fortunately, somewhere along the way to the forum, the president changed

his own mind and decided that a nuclear war could never be won. It's what Winston Churchill called the sublime irony of mutual terror or the balance of terror.

Yes, the presidency is on-the-job training and some learn the hard way; some repeat the mistakes of the past; some never learn and walk out the same door they came in. The presidency certainly is the greatest public honor that can come to anyone. But living up to that special place in history is another story. On the bright side, the president has a great sense of humor; it serves him well. And after the feud between his wife and Chief of Staff Regan ended with Regan's ouster, Reagan said that the two decided to have lunch and patch things up—and the only others invited were the food tasters.

As the Iran-Contra hearings loomed, casting a deep shadow over his "Morning in America" White House, Reagan said, "I've been shot, had colon cancer, skin cancer, prostate surgery—those were the good old days." As the surgeons hovered over him at the hospital when he was shot, he wondered aloud whether they were all Republican. Well, Reagan has run the White House like a chairman of the board, delegating duties—not to worry about details, a style that people like. Jimmy Carter was faulted for being so immersed in the nitty-gritty, the nuts and bolts, even to deciding who would use the White House tennis court next. Reagan loves being president and it's refreshing in a way—no sweat. He doesn't agonize over decisions, he sleeps at night. We might not. He's not like all those presidents who call the presidency the splendid misery or the loneliest job in the world.

Last year we bowed to the foresight of the Founding Fathers. What could be a more worthy cause in our national life than the Constitution, especially at this moment. In history, we have seen the vision of the Founding Fathers in terms of our freedoms and our rights. And we have seen the Constitution used and abused, but most of all, we have seen it prevail and endure. And despite the problems, one can be a true believer in democracy. Winston Churchill called it the worst form of government except for all the others that have been invented. Sometimes, in sophisticated Washington, one might think that really isn't the way the game is played. But it has to be—because that's the way it works. Mutual respect, but never put politicians or come to think of a president on a pedestal. They don't belong there.

The truth is what makes democracy run. But if the president is beleaguered at times, you should read our mail. Letter writers are ten to one against the reporters; we're called vultures, pirhanas. Sam Donaldson gets the most mail. One of his most recent letters said, "Thank you for your views. Drop dead." I must add that some letter writers do say, "Go for it, find out the truth, we do have a right to know." Yes, we do urge the president to hold more news conferences because, believe it or not, it's the only forum in our society where a president can be regularly questioned and held accountable. The president has only had three news conferences

this year and two in foreign countries, one in Moscow and one in Toronto. I saw two presidents go down the drain because they could no longer convince, persuade or govern—Lyndon Johnson in the Vietnam War and Richard Nixon in the Watergate scandal. I can assure you there is no joy in the fall from grace of any president and the shattering of all good faith in our country. On the other hand, there is some satisfaction in knowing that no man, not even a president, is above the law.

I'm often asked how I prepare for a news conference. First I go to the hairdresser. I can assure you, your friends and your family don't care what you ask, but they want to know if you're well groomed. We in the press believe in the people's right to know almost everything. For a nation ignorant and free never was, never will be a democracy. From my view from the bridge secrecy is more harmful to a free society than any so-called news leak. We know that no dictatorship can operate or survive under a free press. The journalistic creed is to comfort the afflicted and afflict the comfortable. And of course, cynics that we are, we never believe a rumor until it is officially denied.

All of the First Ladies I've covered have made a contribution and all have realized that you have to do something, don't just sit there. Jackie Kennedy detested the press, but she was saluted for restoring the White House to its colonial era elegance. Ladybird Johnson's impact is everlasting, the national beautification program, and she made us realize the need to preserve this land we love. Pat Nixon was not plastic, but was warm, immensely hospitable, opening the doors of the White House to thousands. She was an exponent of volunteerism. But who can forget how she left, with an eviction notice. Betty Ford was the reporters' delight for her candid, honest approach to life. Her fearlessness and her dynamic support of equality for women touched us all. Rosalyn Carter worked for the mentally afflicted and actually got a law in the books for their better treatment. She sat in on cabinet meetings at times because her husband wanted her there; she was not trying to run the country as she has been accused. Nancy Reagan came into the White House with a Rodeo Drive image, a high fashion matron who cared only about expensive china. But she turned all of that around with her anti-drug campaign, telling students to "just say no."

I try to cover presidents as if they are human beings. It's tough sometimes since they do enshrine themselves in imperial trappings. But every president since George Washington has had his troubles with the press. In a press room at the White House there's a photograph of FDR inscribed to reporters from their devoted victim. Truman said, "When the press stops abusing me, I'll know I'm in the wrong pew." Kennedy said, "I'm reading more and enjoying it less." What LBJ said is unprintable! And once, Nixon looked up when reporters walked into the cabinet room and said, "It's only coincidental that we're talking about pollution when the press walks in." Carter always seemed

to be saying, "Lord forgive them, for they know not what they do." With Reagan, well, he's had a few choice names for us on an open mike, like those s.o.b.'s and last year, when the Sandinistas fired on a press helicopter near the Honduran border, Reagan said, "There's some good in everyone."

I have many memories in covering the White House. There have been times to laugh, times to cry, times to wonder. I remember in Plains, Georgia, when we were watching Carter play with his grandchildren on the front porch on a Christmas day and he was obviously playing for the cameras. His son, Jeff Carter, walked over to us and a cameraman said, "Don't you feel sorry for your dad, the burdens, the press always watching." "No," Jeff replied, "He asked for it." And I remember riding on Air Force One and Kennedy came back and we asked him what would happen if the aircraft crashed. "I know one thing," he said, "your name will be just a footnote." And I remember when Jackie came aboard with her new German Shepherd, given to her by her father-in-law, it was named Clipper. We sent her a note asking, "What do you feed Clipper?" And she wrote back, "Reporters."

I remember when Kennedy gave a dinner for the Nobel Prize winners and in his toast he said, "Never have so many intellectuals gathered under one roof since Thomas Jefferson dined alone." Scientist Linus Pauling, also a Nobel winner, picketed the White House that very day with a ban the bomb sign, went back to his hotel, changed into a tux and came back to the White House for dinner. I thought it was a splendid moment in democracy. I remember when Martin Luther King came through the receiving line at the White House, Kennedy told him, "I have dream." And I remember when a rabbi spoke at the Martin Luther King rally at the Lincoln Memorial and he said that the greatest sin of all in the Nazi era was silence. I remember when Sarah Vaughn sang at the White House and then she danced with Johnson and Hubert Humphrey. Later, she tearfully told us that twenty-five years ago she couldn't sit down in a restaurant in this town.

Stories about Johnson would fill a library. He couldn't tell the truth if his life depended on it. We were often invited to the LBJ ranch and once, at dinner, Johnson asked Bill Moyers, who had been a Baptist minister and was then his press secretary, to say grace. Moyers bent his head, began to pray and Johnson commanded, "Speak up, Bill." "I wasn't talking to you, Mr. President," Moyers replied. And when Johnson was taken to Bethesda Naval Hospital outside of Washington for gall bladder surgery, the psychiatric ward had been transformed into a press room. What happened to the patients, Johnson asked Moyers. "We gave them all press cards," Moyers said.

I remember Midge Costanza, who said, "I don't mind Carter being born again, but did he have to come back as himself?" And I remember asking Billy Carter if he, too, had been born again. "Once is enough." And there was my

favorite, Miss Lillian, Carter's mother, who said, "Sometimes when I look at my children, I wish I'd remained a virgin." I remember interviewing Miss Lillian in Plains in 1976 and she was fuming over a French woman correspondent who had belabored Carter's promise never to lie, kept asking him, "What do you mean by that?" Finally, she said to Miss Lillian, "Do you lie?" Miss Lillian said, "Well, I might tell a little white lie," "What do you mean by a little white lie?" In total exasperation Miss Lillian said, "Do you remember when you walked through that door and I told you how beautiful you looked?" On her 82nd birthday, Miss Lillian swept through our press room and I asked her what great bit of wisdom she could impart to us from all of her years of living. She said, "I learned never to open my mouth around Helen Thomas."

And I remember the first time I got to say, "Thank you, Mr. President." It was getting near the end of a news conference and Kennedy was trying to work his way out of a question and hit on the answer. He kept talking and finally, I got up and said, "Thank you, Mr. President." And he said, "Thank YOU, Helen."

In the world of political celebrities there was Henry Kissinger. The man with a mammoth ego. A woman ran up to Kissinger and said, "Oh, Dr. Kissinger, thank you for saving the world." He said, "You're welcome."

I often think of newspapers as shared pain. And while we're not looking for trouble, we all must remain watchful. Jefferson said eternal vigilance is the price of liberty. Engraved on the mantle in the state dining room at the White House, below a magnificent portrait of Lincoln, is a prayer by John Adams which says, "May only good and wise men live here." We all hope for that. Lincoln said, "Let the people know the facts and the country will be safe." I believe that. I've found that people can handle the truth and they deserve no less. And I do believe that we should keep an eye on presidents who have life and death power over all humanity today, to keep the people informed, democracy alive. Thank you. □

(is it legal? . . . from page 219)

Washington, D.C.

FBI agents raided five adult bookstores and a Washington accounting firm August 8, confiscating magazines and videotapes as part of an interstate crackdown on mail order pornography, a bureau representative said. The seizures came a month after the Justice Department announced it would prosecute distributors of mail order pornography (see below). Agents also raided bookstores in Dayton, Ohio, Miami and North Miami Beach.

The raids were the result of an investigation launched in early 1987 as part of the Justice Department's Project PostPorn campaign, which seeks to identify and halt the interstate shipping of obscene pornography. There were no arrests. Reported in: *Washington Post*, August 9.

Salt Lake City, Utah

The Department of Justice and the U.S. Postal Inspection Service July 1 announced that criminal charges had been brought in eight states against 20 people and 14 corporations for using the mails to advertise and distribute obscene material. The indictments were described as the first of a large number to be announced in Project PostPorn, a cooperative effort by the Justice Department and the Postal Inspection Service. Six of the individuals and three of the companies were charged in Salt Lake City. Others were charged in Tennessee, Texas, Washington state, Florida, Iowa, New York, and Pennsylvania. Reported in: Department of Justice press release, June 30. □

intellectual freedom bibliography

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