

newsletter
on
intellectual
freedom



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**art
under
fire**

It began in April as a controversy few people took seriously over a few pieces of art many found in questionable taste. But by summer's end, after the U.S. Senate had approved an unprecedented amendment, proposed by Sen. Jesse Helms (R.-N.C.), to bar the National Endowment for the Arts (NEA) from financing allegedly obscene or offensive works (see *Newsletter*, September 1989, p. 18f), many were calling it a full-blown censorship crisis. Arts observers found themselves questioning the survival, as it is now known, of federal support for cultural institutions.

A version of the Helms amendment was rejected September 13 by the House of Representatives in a 264-153 vote, but the issue remained under discussion in a House-Senate conference committee. Minutes after the House voted to close debate on a motion by Rep. Dana Rohrabacher (R.-CA.) to instruct House conferees to accept the Helms amendment, by a vote of 410-3 the House approved an alternate instruction to the conferees "to address the concerns" of the amendment. Some observers concluded that, even if the amendment is eventually rejected in its entirety, the venomous nature of the turmoil may lead to a long-term chill in arts subject matter in a variety of media.

"Self-censorship is the danger," said Gerry Givnish of Philadelphia's Painted Bride Art Center of the controversy's impact. "The most natural thing in the world to do is to take a second look at our programming and edit out anything that might cause problems."

Jonathan Katz, executive director of the National Assembly of State Arts Agencies, said the crisis brought on by the long censorship debate in the House and Senate may be the most serious arts crisis in the United States in recent memory. "It's a very serious threat," Katz said.

"I think the ramifications are fairly clear," said Anne Murphy, executive director of the American Arts Alliance, a key arts advocacy group. "This is the largest controversial issue the arts community has had to face since the endowment was created twenty-five years ago. If you succeed in doing what Mr. Helms wants done, you do not have an arts endowment."

Sen. Helms' amendment was attached to a bill providing federal funds for the endowment in fiscal year 1990. It barred federal arts funds from being used to "promote, disseminate or produce obscene or indecent materials, including but not limited to depictions of sadomasochism, homoeroticism, the exploitation of children, or individuals engaged in sex acts; or material which denigrates the objects or beliefs of the adherents of a par-

(continued on page 238)

in this issue

art under firep. 209

school censorship reportp. 211

black authors, banned booksp. 212

Rev. Wildmon's crusadep. 213

AAParagraphs: South Africap. 214

Missouri censorship surveyp. 215

racism and censorshipp. 215

censorship dateline: libraries, schools, student press, universities, military press, television, photography, airplanes, foreignp. 217

Moscow Book Fairp. 225

from the bench: library, FOIA, minors' access, publishing, periodicals, schools, etc.p. 227

Randall wins appealp. 230

is it legal?: flags, church and state, broadcasting, schools, university, press rights and privacy, videos, survey research, visas, blacklistingp. 231

success stories: libraries, schoolsp. 236

new confidentiality statutep. 237

targets of the censor

books

Abdul Qadeer Khan and the Islamic Bomb [Pakistan]p. 224

The Adventures of Huckleberry Finnp. 211

Angel Facep. 215

Are You There God? It's Me, Margaretp. 215

Blubberp. 215

Brave New Worldp. 215

The Catcher in the Ryep. 211, 215, 218

The Chocolate Warp. 211

The Court Martial of Clayton Lonetreep. 228

Cujop. 215

Deeniep. 211

Devils and Demonsp. 211

Epaminondas and his Auntiep. 236

Foreverp. 211, 215

The Girl Who Wanted to Be a Boyp. 211

Go Ask Alicep. 211

Going to the Sunp. 215

Greasep. 215

Halloween ABCp. 211

In the Night Kitchenp. 217

Jennifer, Hecate, MacBeth, William McKinley and Me, Elizabethp. 218

Julie of the Wolvesp. 215

A Light in the Atticp. 211, 215

The Loraxp. 237

Mom, the Wolfman, and Mep. 215

Of Mice and Menp. 211

The Outsidersp. 215

Palisandriia [U.S.S.R.]p. 225

Pet Semataryp. 215

Quetzalcoatl: the Bird Serpentp. 219

The Red Badge of Couragep. 215

The Red Ponyp. 215

Salem's Lotp. 215

The Shiningp. 215

Sunshinep. 215

Then Again, Maybe I Won'tp. 211, 236

To Kill a Mockingbirdp. 211

Where the Sidewalk Endsp. 215

Who Wants a Cheap Rhinocerosp. 215

periodicals

The Campus Reviewp. 221

Chanticleer [Jacksonville St. U.]p. 219

Daily Athenaeum [W. Virginia U.]p. 215

Indiana Statesman [Indiana St. U.]p. 215

Issues and Answersp. 229

Minneapolis Star-Tribunep. 229

The Mirror [Garfield Hts. H.S.]p. 220

Moscow News [Cuba]p. 223

Pakistan Observer [Pakistan]p. 224

(continued on page 216)

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People for American Way reports: school censorship on the rise

Self-appointed censors, who attack everything from *Rolling Stone* magazine to the movie *Roxanne*, are succeeding in their efforts to restrict educational opportunities for American school children, People for the American Way warned in a report released August 29. In its seventh annual report on "Attacks on the Freedom to Learn," the group recorded 172 "censorship attempts and other challenges to public education" in 42 states during the 1988-89 school year. People for the American Way recorded 157 such incidents in 1987-88. The number of incidents reported by the group has increased every year.

In nearly half the 1988-89 challenges, parents or other critics succeeded in banning educational materials or in restricting their availability. Challenged materials ranged from children's storybooks that mention witchcraft to novels that include four-letter words or sex scenes. The report found that the most frequent objections to books concerned allegedly offensive language or information perceived as being about "satanism, witchcraft and the occult."

The majority of the reported challenges were lodged in the South and West — California had the most cases — but there was also an increase in the Northeast. "One of the things that cuts across these incidents is the underlying fear of exposing kids to a wide range of ideas," said Donna Hulsizer, People for the American Way issues director.

Parents and school officials were unsuccessful in attempts to ban *Rolling Stone* from high school libraries in Pennsylvania and Washington. The PG-rated film *Roxanne*, however, was banned from the Lawton, Oklahoma, school curriculum after a parent and school board member objected to a tenth grade English teacher's attempts to show it during study of *Cyrano de Bergerac*, from which the movie was adapted.

Among other challenges were the following:

- The storybook *Halloween ABC* was removed from the young children's section of a school library in Lawrence, Kansas, after parents objected to supposed satanic influences in it.

- In Compton Plains, New Jersey, a principal removed *Devils and Demons* from the school library because it discussed witchcraft.

- Officials in Batavia, New York, removed *The Girl Who Wanted to Be a Boy* from a middle school library because it includes a scene where a character goes to a striptease bar.

The report noted that over the past seven years the most frequently challenged works were Nobel Prize winner John Steinbeck's *Of Mice and Men* and J.D. Salinger's *The Catcher in the Rye*. "As far as *The Catcher in the Rye*, they are troubled by the character in the book and by profanities. But it's been on high school reading lists a long time and is a powerful portrait of the issues lots of adolescents struggle with," said Hulsizer. Also among the ten most frequently

most frequently challenged books

The following are the books most frequently challenged by parents, community, and religious groups in public schools over the last seven years, according to People for the American Way:

- *Of Mice and Men*, by John Steinbeck
- *The Catcher in the Rye*, by J.D. Salinger
- *The Adventures of Huckleberry Finn*, by Mark Twain
- *The Chocolate War*, by Robert Cormier
- *Go Ask Alice*, Anonymous
- *A Light in the Attic*, by Shel Silverstein
- *Deenie*, by Judy Blume
- *Then Again, Maybe I Won't*, by Judy Blume
- *Forever*, by Judy Blume
- *To Kill a Mockingbird*, by Harper Lee □

challenged titles were three books by Judy Blume and Mark Twain's *The Adventures of Huckleberry Finn* (see box).

"I want to emphasize that what is at stake in the battles being fought in communities across the nation is more than just the fate of a few novels or a textbook or two," said John Buchanan, chairman of People for the American Way. "We are witnessing . . . the clash of two competing views of public education in America. The censors see efforts to teach our children about the world around them as a threat. The rest of us see it as a way to broaden our children's vistas and opportunities."

The report said would-be censors often are religious fundamentalists or right-wing political activists. They not only seek to influence the information contained in textbooks and taught in classrooms, the report said, but also work to keep other information out of school libraries and media centers.

"Right-wing extremist groups have become increasingly active in state and local battles over sex education," the report added. In South Carolina, the report said, restrictions on sex education forced textbook publishers to eliminate information on the use of condoms to prevent the spread of AIDS.

Among the would-be censors cited in the report is Phyllis Schlafly, head of the conservative Eagle Forum. In response, she charged that People for the American Way wants parents to have no input into what schools teach their children.

"Our position is that parents are the primary educators of their children," she said. "Our position is also that anybody who is spending the taxpayers' money has to put up with surveillance by citizens." Reported in: *Atlanta Journal and Constitution*, August 31; *Detroit News*, August 31; *San Francisco Examiner*, August 30. □

ALA conference black authors, banned books

The following is the text of a talk by prize-winning author Alice Childress to a program cosponsored by the Intellectual Freedom Committee, the Freedom to Read Committee of the Association of American Publishers, the ALA Minority Concerns Committee, and the OLOS Advisory Committee at the 1989 ALA Annual Conference in Dallas.

Greetings to the Conference members of the American Library Association, and particularly the Intellectual Freedom Committee, the Minority Concerns Committee, and the Association of American Publishers Freedom to Read Committee. I thank you for inviting me here to express my views and feelings on the subject of book censorship and the black experience. I was born in Charleston, South Carolina; my mother was born there, also my grandmother. My great grandmother was an African slave in Charleston. After the "Emancipation Proclamation" declared freedom, all slaves were not informed; many knew nothing about it.

One year after freedom, another law was passed. Any person owning a slave after midnight, one year following emancipation, would be fined, imprisoned, or both. My great grandmother, age 12, was taken to the center of Charleston, and dumped from a carriage by her owners. They drove away and left her there, crying. She had no relatives—they had been separated by sale. Her name was Annie.

A white woman passed by; her name was Anna Campbell. She asked Annie why she was crying. The girl said, "My folks ran off and left me." Mrs. Campbell asked her if she knew about freedom—she didn't. Annie asked, "What'll I do?" And Anna Campbell said, "I only have a small, five-room house, but I'll share what I have if you want to come home with me." And Annie went with Anna Campbell. She gave her a room. In the morning, she found Annie asleep on the floor because she was afraid she'd be punished if she slept in the bed.

Mrs. Campbell was a widow. Her son was a merchant seaman. He became my grandmother's father, and then went off to sea again, never to return. Mrs. Campbell said, "I know this is my granddaughter, and I will name her Eliza, after Eliza crossing the ice to freedom in *Uncle Tom's Cabin*." Eliza was my grandmother. She became a brilliant woman and inspired me to write—not to *become* a writer—but to *write*, to put down important thoughts that should be preserved. She kept my writing and her newspaper clippings in a large leather bag. "Some thoughts," she said, "should be preserved."

Harriet Beecher Stowe, who was verbally abused for her anti-slavery book, *Uncle Tom's Cabin*, took the slave holder's favorite pro-slavery argument, "Most slave masters are kindly people, and most slaves accept their lot with gratitude," and wrote her book to show that slavery could not work, even with a kind master and a slave who accepted his lot as God's will. Stowe was not the greatest writer of

her time, but she dared to tackle a controversial subject. The book shook the foundations of slavery. Laws were passed banning the sale of the book, the reading of it, or having it in one's possession. A black minister's home was raided, and he was sentenced to 10 years in prison for owning the book. At underground railroad stations, secretly, the work was read. Plagiarists stole Harriet Beecher Stowe's story and made penny dreadful plays based upon the book. Acted by all-white touring companies, the slaves were played by whites in blackface. It was against the law for blacks and whites to appear together on the stage.

The law, the law—very prominent in our history of banning and forbidding. Kentucky passed a law making it illegal for any play to be shown in the state if it was critical of the slavemaster and slave relationship. This was aimed primarily at forbidding performances of *Uncle Tom's Cabin*. A woman, a black writer, the late Dr. Paule Murray, wrote a book, *Racist Law in America*. Many of these laws were still alive and enforceable when she researched and revealed them in the 1950s. During slavery, it was against the law for a slave to read and write. The penalties were whipping, ears cropped and/or the face disfigured to show the slave could read. There were prison penalties for persons who taught a slave to become literate. Reading slaves were considered to be dangerous. They could write passes. Reading and writing could indeed set one free. In the beginning was the word, and the word was good.

During slavery, all African languages were outlawed, and slaves were sold in mixed bags so they could not speak to each other—Ewe, Mandingo and other tribal groups were mixed together. African tongues were forbidden by law. No other languages in this country were ever outlawed. Today few Americans of African descent know any words from their original African roots.

Many people have presented the immigrant story as the refutation of black problems—"I came here. . ." or "My great grandparents came here as immigrants and pulled themselves up by their bootstraps." However, whites, although they were not citizens at all, could always come to this country, ride public transportation, go to theaters, libraries, and so forth, just as visitors, whereas the African-American could not do so. Public transportation and other facilities were "Jim Crowed" until Martin Luther King, Jr., supporters, friends and coworkers turned that around in the '50s. Only then could black American citizens use equal accommodations.

Few Americans knew much of their original cultures as well as languages if they were from Africa. The drums were *outlawed* because the drum was a message instrument. The slave was given the banjo and the fiddle, and learned to make rhythmic, lighter sounds with spoons, sticks, and bones. The law was very concerned with cultural form and content.

(continued on page 241)

Rev. Wildmon's censorship crusade

By Christopher M. Finan.

The Rev. Donald E. Wildmon has always claimed to be an "average guy." When he first came to the attention of the public, he was the leader of a boycott against advertisers who sponsored "sex, violence and profanity" on television. Wildmon insisted that he was not a censor but an outraged private citizen who was exercising his constitutional right to protest. But Wildmon is not an average citizen. His ambition is to remake American society. Nor is he content with the instruments of change provided by democratic institutions: he advocates the censorship of television, movies, books, and magazines. During his 12-year campaign for censorship, he has tried to suppress:

- Television series like "Charlie's Angels," "Three's Company," "All in the Family," "Laverne and Shirley," "Love, Sidney," "Taxi," "WKRP in Cincinnati," "Hill Street Blues," "Moonlighting," "L.A. Law," "thirtysomething;"

- Television dramas like "Roe v. Wade," Pete Hamill's "Flesh and Blood," Maya Angelou's "Sister, Sister" and "Portrait of a Rebel: Margaret Sanger;"

- Movies like *The Last Temptation of Christ*;

- Magazines like *Playboy*, *Penthouse* and *Sassy*.

Wildmon is again engaged in a battle to change television. He announced in January that a group he has formed, Christian Leaders for Responsible Television (CLear-TV), will lead a boycott against the advertiser who sponsors the worst television shows during the May television rating "sweeps." His aim in 1989 is the same as it has always been: censorship.

Wildmon's campaign began one night in December 1976. At the time, he was an obscure, 38-year-old United Methodist pastor, serving a church in Southaven, Mississippi. But he had always been ambitious. "Back in my younger days I reached the conclusion that the worst thing that could happen would be to come to the time of death and realize that my life had made no difference," Wildmon said recently. That night in 1976 as he sat watching television with his family, he found the vehicle for his ambitions. He later claimed that as he switched channels he was unable to find a single show that didn't feature sex, violence, or profanity. Wildmon interpreted this as a calling from God to take up the fight for purer television. He resigned his job in June 1977 and moved to Tupelo, Mississippi, 50 miles outside of Memphis, to establish the National Federation for Decency. The NFD struggled in the beginning. According to his son, Wildmon was able to pay himself only \$1,800 in the first seven months

of the organization's existence; his wife began working to help the venture to survive.

Wildmon struggled with the problem of how to establish an identity for the NFD. The first effort to attract national attention was a campaign called, "Turn the Television Off Week," which targeted mostly southern cities in July 1977. Wildmon claimed that his survey of television programming revealed that 54 percent of all shows had sexual content. Wildmon said such a high proportion of sexual programming distorted real life. He was also upset that 90 percent of the sex was adulterous. "The strategy of so much network programming is to appeal to the prurient interest of man and not to spend money for quality programming," Wildmon said. Yet, while he received some press attention for his television boycott, there was no proof that anyone had actually turned off a set.

Wildmon's problem was how to exert power over the networks with an organization that claimed only 1,400 members. Boycotts of television programs would never work. The number of people who would turn off their sets at any one time would never be large enough to register in ratings. Wildmon decided to try boycotts of advertisers. The sensitivity of advertisers to bad publicity had been established the year before in the controversy over the satire "Soap." Now, in the spring of 1978, Wildmon announced his first boycott of advertisers. He told Sears that his supporters would boycott its stores until it withdrew sponsorship of three shows at the top of his hit list—"Three's Company," "Charlie's Angels," and "All in the Family." Although his following was miniscule, Wildmon used it to maximum effect by staging demonstrations outside Sears stores in several parts of the country and in downtown Chicago in front of the Sears building itself. The boycott worked. While denying it was acting under pressure, Sears cancelled its ads on "Three's Company" and "Charlie's Angels."

During 1979, Wildmon continued to make his voice heard. He attacked "Flesh and Blood," a television movie based on a novel by Pete Hamill, because it dealt with the subject of incest. He also attacked, "Portrait of a Rebel: Margaret Sanger," a movie about the leader of the movement for birth control. He struck out at CBS, accusing it of complicity in the murder of a little girl in Wichita Falls, Texas. The four-year-old was murdered by her mother, who had seen a similar crime committed when CBS broadcast "Exorcist II." "CBS must accept partial blame for her death," Wildmon insisted. "They were an accessory to the murder." A NFD picket outside CBS headquarters in New York carried a sign that insisted, "CBS Controlled by Satan."

Yet, the NFD was making little progress. It was firmly anchored on the lunatic fringe of the hundreds of groups trying to change television to suit their tastes. Wildmon had a new weapon in the advertiser boycott, but he had been

(continued on page 245)

AAParagraphs mission to South Africa

In this space, normally filled by a column from the Freedom to Read Committee of the Association of American Publishers, we publish this month the text of an important report by a two-person mission to South Africa. The mission — former ALA Executive Director Robert Wedgeworth, now dean of the Columbia University School of Library Science, and Lisa Drew, Vice President and Senior Editor, Wm. Morrow and Co. — visited South Africa to survey the availability there of U.S. books and other educational materials and to learn first hand how South African opinion leaders feel about the effects of the cultural boycott of their country by certain individuals and groups in the U.S.

The Drew-Wedgeworth mission was carried out under the auspices of the AAP Freedom to Read and International Freedom to Publish Committees, and the Fund for Free Expression, New York City.

During the period of May 18-28, 1989 Lisa Drew, Vice-President and Senior Editor, William Morrow & Co. and Robert Wedgeworth, Dean, School of Library Service, Columbia University, visited the Republic of South Africa, sponsored by the Association of American Publishers and the Fund for Free Expression. The mission's purpose was to survey the availability of U.S. books and other educational materials and to ascertain the opinions of South African writers, librarians, publishers, booksellers, educators and others as to whether books and educational materials should be included in the cultural boycott currently being carried out against South Africa by certain individuals and organizations in the U.S.

During the course of our visit we talked to more than 75 persons, black and white, and visited numerous schools, libraries, universities and private charitable organizations gathering facts and relevant opinions regarding the boycott.

background

Prior to 1984, container shipping and the existence of a few subsidiaries of U.S. publishing companies in South Africa made it possible for U.S. books in quantity to be competitive in the South African market. After the U.S. enacted the 1986 Anti-Apartheid Act imposing economic sanctions on South Africa, certain educational and cultural organizations—thinking that the sanctions did not go far enough—promoted a cultural boycott as well. A few corporations whose principal products could not be sold in South Africa due to the economic sanctions, also happened to have publishing interests.

A number of local entities, including school boards, libraries and city councils, threatened these companies as well as independent publishers and booksellers with a boycott of their products if they did any business with South Africa. Some were asked to sign pledges to this effect. The immediate result was that those with South African companies

have sold them to local buyers at bargain prices. Other publishers, without publicizing the action, have stopped shipping books to South Africa.

Such restrictions on the free exchange and dissemination of information and ideas are contrary to the traditions of publishing, education and culture in the U.S. and specific amendments have been proposed for the 1989 Anti-Apartheid Act making it clear that it specifically excludes books, educational materials and medical supplies.

the mission

The goal of the two groups sponsoring the survey was to determine the effect of the boycott on the South Africans—especially representatives of the mass democratic movement (MDM) who are not banned by the South African government. Although we heard a great deal about it, our mission was NOT to determine how divestment was effecting the South African government or whether it was a good strategy.

We visited and/or spoke at length to more than 75 representatives of various organizations and institutions. Although they had various reactions to the cultural boycott in general, not one supported the inclusion of books and educational materials. . . .

There are 20 universities in the country, all of which are theoretically open to all races. A few remain almost totally white due to restrictive admissions policies. Several others are almost totally non-white due to their location in the so-called black homelands or as a result of their original designation as ethnic universities. This latter restriction is no longer enforced. Nevertheless, the University of the North which was established to serve the Sotha, Tsonga and Venda populations has attracted only a few white or Indian students out of a student body of 7,000. The University of the Western Cape which was established to serve the coloured population has about 60 whites in a student body of 12,000.

Most of the formerly all-white universities have steadily increased their non-white enrollments. University of Witswatersrand (WITS) and University of Cape Town (UCT) now have non-white enrollments of over 20%. The Law School at WITS is 37% non-white and the Medical School is over 40%. The largest university in South Africa, University of South Africa (UNISA), a correspondence school, is almost 50% non-white. In each of these instances black African students comprise the largest component of the non-white enrollment.

Beyond efforts to diversify enrollments, several of the universities have been quite vocal in their attempts to represent a progressive element in South African society. They have issued policy statements on the importance of political rights and human rights for all of South Africa's people and they have successfully defended themselves from interference

(continued on page 225)

Missouri censorship survey

The Missouri Coalition Against Censorship in June released results of a statewide survey of censorship attempts in public schools and school libraries. Thirty percent of more than five hundred school districts around the state responded to questionnaires sent to school librarians asking about conditions in their libraries and districts.

Fifty-two percent of school districts responding reported having experienced censorship attempts within the past two years. Fifty-three percent of such attempts succeeded. Thus, more than one of every four districts in the state of Missouri has had material removed, restricted, or otherwise made unavailable for use by students or teachers.

In 89 percent of the cases, the source of the challenge was an individual or group outside the school. According to the Coalition, "this represents an appalling amount of interference in the educational process. . . ."

The challenged material included poems and stories that are popular among young readers and are widely recognized by educators for their pedagogical value. "Anything written by Judy Blume or Shel Silverstein, for example, is likely to be attacked," the Coalition said. Another target is, according to one respondent, "any title with the word *witch* in it." The survey results suggested that witchcraft and the occult may be replacing abortion, evolution, and "secular humanism" as the focal point of conflict.

Among the titles reported challenged were: J.D. Salinger's *The Catcher in the Rye*; *The Red Badge of Courage*, by Stephen Crane; *Blubber*, *Forever*, and *Are You There God? It's Me, Margaret*, by Judy Blume; Jean George's *Going to the Sun* and *Julie of the Wolves*; S.E. Hinton's *The Outsiders* and *Grease*; *Brave New World*, by Aldous Huxley; Norma Klein's *Angel Face*, *Sunshine* and *Mom*, *the Wolfman*, and *Me*; *Cujo*, *Pet Sematary*, *Salem's Lot* and *The Shining*, by Stephen King; Shel Silverstein's *A Light in the Attic*, *Where the Sidewalk Ends* and *Who Wants a Cheap Rhinoceros*; and John Steinbeck's *The Red Pony*.

The Coalition also found that 12 percent of the schools had no policy on complaint procedures. Only 70 percent of the schools had a written policy that had been reviewed and approved by the Board of Education. Another 3 percent had a written policy currently under board consideration.

While there was not significant difference in the frequency of complaints between schools that had a written complaint policy and those that did not, there was a difference in what happened as the result of a complaint. In schools where there was a written complaint policy and the proper procedures were followed fully, 76 percent of the challenged materials were retained. Only 2 percent were removed, with the remainder retained but restricted in some manner. Where there was no written policy, only 38% of the materials were retained and 35% were removed.

The survey was conducted in the spring of 1988 by the Missouri Coalition Against Censorship with the help of the

Missouri Association of School Librarians (MASL) and the Maryville College Education Department. Questionnaires were sent to more than 800 members of MASL, 37 percent of whom responded. The results were tabulated, analyzed and written as a Master's thesis by Patricia M. Carlin of Maryville College and by Murray Underwood, president of the Missouri Coalition Against Censorship. Reported in: *Missouri Coalition Against Censorship Newsletter*, June 1989. □

racism and censorship in the college press

Charges of racism against campus newspapers sparked several censorship controversies last spring:

- A West Virginia University editor kept his job at the helm of the campus *Daily Athenaeum* after charges of racism gave rise to protests in front of the newspaper office and a formal appeal to have the editor removed.

- At Wayne State University in Detroit, a cartoon drawn by a staff artist prompted 150 students to protest in front of the offices of the *South End*, the student daily.

- At another Michigan school, Michigan State University, a column sparked controversy for the daily *State News* when a faculty member penned a satirical piece titled "Putting racism in its place."

- In Huntington, West Virginia, allegedly biased news coverage in the *Parthenon*, the student newspaper at Marshall University, gave rise to a call for the school to cut off the paper's funding.

- The editor of the newspaper at Indiana State University in Terre Haute was asked to resign in the course of protests against the *Indiana Statesman*. The paper had previewed a play on campus with an all-black cast, but had failed to review the production when it opened, prompting charges that inadequate attention was paid to minority events.

In the West Virginia University incident, black students accused then-editor-in-chief Frank Ahrens of being racially insensitive after he published a cartoon drawn by nationally syndicated artist Pat Oliphant. The cartoon, which ridiculed Washington, D.C., Mayor Marion Barry, appeared atop the *Daily Athenaeum* editorial page January 17.

The protesting students said the cartoon was the straw that broke the camel's back, referring to previous Ahrens editorials as objectionable. At the height of the controversy, some 200 students marched to the newspaper office demanding an apology, Ahrens' resignation, active recruitment of blacks to the news staff, "examination of editorial content" and more "balanced" reporting on racially sensitive issues. At one point in the demonstration, managing editor Susan Malone offered protesters three to five positions on the newspaper staff.

The black students also took their complaints to the Board of Regents Advisory Council of Students, to the student government, and to the university's publications committee. On January 31, the publications committee voted 4-1 to retain Ahrens.

Guy H. Stewart, dean of the journalism school, said Ahrens had "used some bad judgment" but said it was "not enough that we felt we had to remove him from office. What he did, he had a First Amendment right to do. That was primarily the reason we didn't remove him from office."

Ahrens said the conflict was more political than racial. "The problem is that I'm a conservative in what is thought of as a liberal's position," the editor said. Ahrens never apologized for printing the Oliphant cartoon because, he said, he was acting within his rights as an editor. "The editorial page wasn't meant to piss people off," he explained. "It was meant to provoke intellectual intercourse."

"I'm not saying that some of these students did not have beefs," he said. But, he added, their demands were tantamount to censorship. "It wasn't me that was on trial, it was the First Amendment."

At Wayne State, another cartoon — here drawn by a student staff member — offended by its reference to Joe Clark, the bat-wielding, bullhorn-toting New Jersey high school principal portrayed in the film *Lean on Me*.

Editor-in-chief Rob Lasker and cartoonist Sean Bieri were reported to have found some of Clark's comments in a speech at the university critical of blacks. The cartoon they printed was supposed to bash racism from any side. It showed two white men looking at an advertisement for *Lean on Me*. One of the figures says, "Shoot, Jimmy, you 'n' me been chasing nigras with bats for years, ain't nobody made no movie 'bout us."

Lasker saw the cartoon before it was published in the *South End*. Bieri often drew cartoons criticizing racism and Lasker knew how this one was intended. When the editor saw the anger it evoked, however, he apologized in a column the next day. Lasker also printed front-page retractions for two issues after meeting with protesters. An editorial board was created to oversee opinion-page content. "I'd say we're much more careful," concluded news editor Jeff McCracken.

At Michigan State a column by Professor C. Patric "Lash" Larrowe poked fun at the MSU Black Parents Association. black students protested the newspaper, demanding Larrowe's dismissal. They also sent a letter to the university president.

The controversy received broad media attention. At one point a Detroit reporter asked Larrowe why so few minority students enrolled in his classes. The professor said his courses were "too tough" for minorities, leading to renewed protest.

The *State News* pulled Larrowe's column — which had appeared for 18 years — for the following week but reinstated it after that. The decision was punctuated with an explanatory editorial that deemed the comment to the reporter "insensitive and appalling" but which cited Larrowe's "33 years

of activism" for civil rights. Larrowe was a founder of the campus NAACP as well as the East Lansing chapter of the ACLU. Larrowe also apologized in print for his remarks.

At Marshall University, the *Parthenon* featured a front-page story about a Marshall football player, who is black, accused of sexual abuse. The editors ran a picture of the player, although they did not mention his race in the story. Lower on the same page, a story appeared concerning a white professor involved in an altercation with black students practicing a play for Black History Month.

Black students complained that the fight story had been underplayed and its racial aspects incorrectly ignored, while the football player story overemphasized and the player's race, in effect, highlighted. When the *Parthenon* endorsed a team of two white men for student president and vice president rather than a ticket on which a black student was running, the newspaper again was accused of racism.

David Adams, president of College Media Advisers, said racism on campus, particularly in the collegiate press, is a serious problem. But he added that overcorrecting on the side of censorship spells ills of its own.

"I would warn minority groups not to jeopardize any First Amendment freedom" because freedom of speech and press helps ensure that minority voices are heard, he said. Reported in: *SPLC Report*, Fall 1989. □

(targets from page 210)

<i>Parthenon</i> [Marshall U.]	p. 215
<i>Playboy</i>	p. 217
<i>The Review</i> [Riley H.S.]	p. 220
<i>Rolling Stone</i>	p. 211
<i>St. Paul Pioneer Press</i>	p. 229
<i>Soldier of Fortune</i>	p. 229
<i>South End</i> [Wayne St. U.]	p. 215
<i>Sputnik</i> [Cuba]	p. 223
<i>Spy Notes</i>	p. 228
<i>Stars & Stripes</i>	p. 221
<i>State News</i> [Michigan St. U.]	p. 215
<i>Yates Times</i> [Yates H.S.]	p. 220

movies

<i>Batman</i> [Belgium]	p. 223
<i>Rain Man</i>	p. 223
<i>Roxanne</i>	p. 211

television

<i>The Final Days</i>	p. 222
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sensorship dateline



libraries

Grand Rapids, Michigan

On July 25, the Grand Rapids Board of Library Commissioners voted 3-1 to stop buying print issues of *Playboy* and subscribe only to the microfilm format. Board member Anita Watson-Phillips made the motion for the new policy, but stopped short of calling for conversion of back issues to film because it would cut into an already-slashed budget. "We have had to cut too much out of our budget already," she said.

Phillips also declined to ban the magazine entirely because, she explained, many periodicals make reference to articles printed in *Playboy*. Removal, she said, "would reduce us to less than a full-service library."

The *Playboy* subscription cost the library \$26 a year. That cost will climb to \$49.80 a year for the microfilm subscription, said library director Robert Raz. Raz also warned that placing the magazine on microfilm would delay requests for current articles because the microfilm issues come much later. He supported the board's decision, however.

The move drew immediate criticism from Board Secretary Monique Timmer, who warned that the new policy might only prompt other groups to campaign to have library materials removed. But her motion to continue the print subscriptions and place no restrictions on the age of patrons who may view the magazine drew no support.

"What comes next with other groups who find materials offensive?" said Timmer, who cast the lone dissenting vote. "It's especially important we don't limit access to information. I don't view the role of the library as a parent."

The decision came after a campaign to make *Playboy* inaccessible to minors by the Michigan Decency Action Council, headed by Dar VanderArk of Moline. VanderArk

said he was disappointed that the library's back collection, which dates from the mid-1960s, will not be converted to microfilm. He said the library must provide "a role model to our children. What we see, read, and hear affects our attitudes."

Board members apparently believed that the microfilm *Playboy* does not include photographs. But Board President Jeanette Hayes said that the entire contents of the magazine are included. "Even with the photos, [the microfilm version] still is offering parents some more protection," VanderArk said. "But I will be contacting board members to see what can be done." Reported in: *Grand Rapids Press*, July 26; *Chicago Tribune*, July 28.

Camden, New York

Mickey — the boy hero of Maurice Sendak's *In the Night Kitchen* — hadn't even plopped naked into the cake batter when Diane Clark set the book aside. Clark and her 7-year-old son were reading the book about the boy who falls out of his clothes as he descends into "the night kitchen." When they read the first picture showing Mickey's penis she said, "I don't think we'll read this book."

That, however, was not the end of it. Clark then asked school officials to remove the book from elementary school libraries. "I don't feel little children should be seeing this," she said. Children are already exposed to enough profanity in the media, she added.

Superintendent Richard McClements said he too would like the book removed. "While the book is nationally acclaimed," he said, "my first impression on reading it, I would not have seen sufficient merit to retain it in our libraries." Schools, McClements said, have "a real obligation to represent what is moral, what is honest, what is decent."

A district committee recommended that the book be retained: "The book should be retained as part of the Camden Elementary library. Its literary value is clearly recognized as a Caldecott Honor winner, which means its literary value lies in its illustrations," the report concluded. But the final decision rests with the school board.

In the Night Kitchen was published in 1970 and at that time, a few libraries removed it and at least one librarian painted diapers on Mickey.

"It disheartens me," Sendak said. "It's disgusting that I have to go through this again. I didn't set out to do a penis book. I never dreamed that this was a breakthrough." The book is about "a very fantastic dream of a child, a male child, in a particular period of his life, [to which he has] an intense reaction," Sendak said.

"Children will identify with a book differently," the author continued. "They're far more open-minded, they're so trusting. . . only a monster would take advantage of that trust. I'm no monster."

McClements said he is "really pretty much opposed to censorship, but people have a right to question material if they feel it's inappropriate for their children." Reported in: *Utica Observer-Dispatch*, July 23.

schools

Mobile, Alabama

When Norma M. Cook looked at a book her 10-year-old nephew was assigned to read she was surprised to find "the whole thing concerned witchcraft."

"I'm shocked that the school board doesn't see that as dangerous," Cook said. Her nephew's summer reading tutor, a local public school teacher, asked him to read *Jennifer, Hecate, MacBeth, William McKinley and Me, Elizabeth*, by E.L. Konigsburg, an award-winning children's author.

A child in the book, Jennifer, "considers herself a witch and leads another child in activities," explained Cook. "I know it's childish. And perhaps Jennifer really didn't know what she was doing. But learning about and practicing witchcraft is how children get drawn into it." The book is in most of the Mobile public school libraries and in the Mobile Public Library.

"This is the first complaint I've had about it," said Margaret Blake, a school library media resource specialist. "I've read it. This is a Newberry honors book. The book doesn't teach witchcraft. It's for 4th and 5th graders. And it's fiction, which let's them know it's fantasy. It's a book about friendship. It's not a how-to-become-a-witch book."

"Since I don't have a child in the school system I can't pursue this," said Cook. "But I think it should be. Nowhere in the book does it say witchcraft is a bad thing. I was a Montessori school teacher for years and I know this was a dangerous book. My nephew has been exposed to four chapters. Parents need to sit up and take notice. If people are going to be upset about teenagers getting into witchcraft, they need to be aware of books children are getting." Reported in: *Mobile Register*, July 26.

Boron, California

Boron High School students banned from reading J.D. Salinger's *The Catcher in the Rye*, a much-favored target of censorship, will instead be assigned *Fahrenheit 451*, by Ray Bradbury, a book about a future society that burns books. The Muroc Joint Unified School Board voted 4-1 in August to pull *Catcher in the Rye* from a high school language arts supplemental reading list.

"I don't want that book in there," said board member F.O. Roe. "There are too many people who don't want it." Roe said that fifty people in the district had objected to language used in the book. Board members said the book will remain in the libraries of the Boron and Desert High Schools.

Teacher Shelley Keller-Gage said there was no opposition in February when she informed parents by letter that she intended to assign the novel to her ninth- and tenth-grade classes. The letters said the book was controversial because it contained profanity, and informed parents that if they objected, their children would be assigned an alternate book to read.

According to Keller-Gage, the sophomore class read the book first, and two or three students whose parents had objected to the assignment were given *A Separate Peace*, by John Knowles, to read instead. A month later, about four students were assigned alternates when the book was read by the ninth graders.

Keller-Gage said she discussed the profanity with her classes. "Part of my point was that we can make our decisions, we don't have to talk that way. We were using the book as a tool to get that point across," she said. "We had discussion about the language. We agreed it was shocking."

Keller-Gage said the parent of a student who missed her discussion of profanity objected to the book when it was half-finished by the class. The mother got other parents to complain about the book to the school. At a Parent Advisory Council meeting in April about 10-20 parents objected.

Local resident and religious activist Patty Salazar, who admitted she had not read the book, said she favored its restriction. "It uses the Lord's name in vain two hundred times," she said. "That's enough reason to ban it right there. They say it described reality. I say let's back up from reality. . . . Let's go back to when we didn't have an immoral society."

Boron High Principal Dan Lindsey then asked Keller-Gage to remove the book from classrooms, which she did. "More and more parents pulled their kids off the book," she said. "There was an uproar." The teacher asked students to return the books and, in the meantime, finished telling the story orally to the students. That she didn't "abruptly stop teaching the book" further angered the protesters.

Although Keller-Gage admitted that perhaps ninth graders were not prepared to deal with the novel, she still found the board decision distressing. "I'm sad, because I think it smacks of censorship. I'm pretty easy-going, I'm not a rabble rouser," she said. "I feel like I had a good reason to teach the book. I feel strongly about censorship. I feel that it's gotten out of hand."

School Superintendent Gary Rice said he had advised the board to keep the book on the reading list, noting that it had been approved by the state Department of Education. But the board did not agree.

"The board of directors are elected to run a school system. We're not bringing religion into it. Some of the people who objected probably have never been to church," said Roe. "If it was the only book we had it would be different, but there's a large selection of books available."

Board president Jim Sommers said he read *Catcher in the Rye* while he was a Boron High School student, and read

the novel again after the controversy arose. "I don't have any feeling about the book one way or another," he said. "I don't have a problem with it [being read at school], but it doesn't bother me that its [been taken off] the reading list."

"I don't consider this a ban," Sommers continued. "We restricted it, that's true. But the book is in the library. More kids are going to read it now as a result of all this. . . . And they're going to get a fine education without that book on the reading list." Helen Nelson, the Boron librarian, said that since the controversy there was a long waiting list to read the book, which had languished for years on the public library shelves with few readers.

Sommers said he knew the novel was considered a literary classic, but added, "I'm not an educated person as far as books. I own a service station. I fix cars." The only board member to vote against the ban was Warren Hurst, a retired high school history teacher. "It isn't a book that I personally would just go pick up and read," he said, "but I have no objections whatsoever if someone else wants to read it. I just would never vote to ban a book."

Keller-Gage said she chose to replace the Salinger book with *Fahrenheit 451* because she had previously taught it. "I'm not doing it in relation to the school board decision," she explained. "It is an ironic coincidence, you might say." Reported in: *Antelope Valley Press*, August 13; *Bakersfield Californian*, August 17; *New York Times*, September 3; *San Jose Mercury-News*, September 13.

Poudre, Colorado

The Poudre R-1 School District pulled a school-sponsored book on the Mexican god Quetzalcoatl from its shelves July 21, bowing to protests by parents who objected to its portrayal of a blonde, blue-eyed deity. Critics complained that the book inaccurately portrayed the god as a white man.

At the request of the authors, *Quetzalcoatl: the Bird Serpent* was withdrawn from the district's media collection. The two elementary school teachers who wrote the book with a \$5,000 school grant retain ownership and the rights to market the book, but will drop all references to the district's sponsorship. The authors, Marilyn Parke and Sharon Panik, said they requested the book be withdrawn because of the controversy.

"The decision was based solely on the realization that, at this point, the purpose of the book can not be met," they said in a joint statement. "Young children are not equipped to handle controversy. We can not, in good conscience, subject them to it."

"We're really sorry that it had to come to this," said Josie Estrada, a member of a committee opposed to the book. "We had hoped that the authors would make the changes so that children in the school district would benefit." Reported in: *Rocky Mountain News*, July 22.

Fairfax, Virginia

Two seniors at Thomas Jefferson High School in Fairfax county were suspended from school for ten days and barred from the prom because a T-shirt they produced offended the administration. The offending shirt, which said "I got screwed at . . ." on the front and "Jefferson Tech '89" on the back, sported a photograph of two male administrators — one leaning over a desk while the other appears to be reaching for him from behind. The administrators had posed for the photo for the high school yearbook.

"The juxtaposition of the language and the photograph are tantamount to libel and apparently have already caused considerable personal distress," an assistant superintendent wrote in a letter to suspended student Brendan Meier's parents. "There is no justification for this type of behavior which purposefully attributes aberrational behavior to these school officials."

Meier's parents hired a lawyer and have appealed his punishment to the school board. The ten-day suspension is twice as severe as a student would get for a first offense with cocaine on campus. Reported in: *Equal Time News*, June 7.

student press

Fyffe, Alabama

A satirical piece mocking residents of a small town that boasted numerous UFO sightings led to an attempt by an Alabama legislator to force disciplinary action against the author of the column. Matt Brooks, a junior at Jacksonville State University (JSU), got the idea for the article after reported UFO sightings in rural Fyffe neared 100 one March night.

Residents of the northern Alabama town of about 1,300 people were outraged when they read in the JSU *Chanticleer* that they were "rednecks" and "ugly with a capital U" and that the only reason an alien would visit Fyffe would be to drink and that Fyffe residents would mistake a bar of soap for a UFO.

The day the paper came out, Brooks received an anonymous phone call with his first death threat. "After that the situation just fell apart," *Chanticleer* editor Cyndi Owens said.

Two weeks later, JSU president Harold McGee received a letter from state Sen. Lowell Barron (D.-Fyffe), calling the article "crude and cruel" and requesting an official apology. McGee's response was published in a local paper and Owens wrote a column apologizing for her failure to edit more of the piece, but Brooks refused to apologize.

On April 20, Rep. Ralph Burke (D.-Ft. Payne) sponsored a resolution in the Alabama House calling for McGee to "exercise reasonable disciplinary action" against Brooks. The resolution would not have carried the weight of law. It was rejected 13-4 after House Speaker *Pro Tem* Jim Campbell (D.-Anniston) spoke against it, warning of a possible lawsuit.

"The Alabama legislature doesn't have any business directing the internal affairs of one of our four-year institutions," Campbell said. "It's not our position to mandate what the president should or shouldn't do. There's also the First Amendment issue."

One month after the article appeared, the JSU communications board approved Owens for a second year as editor. The board also asked faculty adviser T.J. Hemlinger to read all stories before the paper goes to print.

"I understand my prerogatives," Hemlinger said. "As a school employee, I can't say, 'Don't write that, don't cover that.' That's censorship. I would only pull a story if I were convinced it was libelous. . . . The administration realized they had no legal footing if they refused to rehire Brooks on the basis of content." Reported in: *SPLC Report*, Fall 1989.

South Bend, Indiana

A South Bend high school newspaper's self-imposed prior review policy, intended to stop administration criticism, backfired when an assistant principal used her new power to delay distribution.

When Riley High School assistant principal Joann Ollman objected to a December 1988 story on Satanism, she called a meeting with the staff and equated its paper, *The Review*, with the *National Enquirer*. Adviser Marcia Kovas proposed that the administration either express faith in the paper and stop censoring it with pressure and harassment, or review the paper before publication to voice concerns. The administration chose prior review.

"[Ollman] was, in effect, censoring by intimidating the staff," Kovas said. "She had a right under [the Supreme Court's 1988 ruling in] *Hazelwood* to censor, but she must go on record as censoring."

The plan was to show Ollman the rough drafts of all stories, but she insisted on seeing final copy. In February, the paper planned to run a story on the reaction to the Satanism article that started the controversy. Ollman saw the story and objected to several of her own quotes. After two revisions, the paper went to the printer without Ollman's final approval.

The day the paper came out, the assistant principal announced there would be no distribution. After coverage by the local media and a sit-in by more than 60 students to protest the censorship, Ollman released the paper several days late.

The staff chose not to cover the withholding and sit-in because Ollman requested that the conflict be dropped. Kovas said the staff honored her request in exchange for abolition of the prior review policy. Kovas said the situation should improve because Ollman was soon transferred to another school and Riley has a new principal who has supported student media in the past. Reported in: *SPLC Report*, Fall 1989.

Garfield Heights, Ohio

When two articles were omitted from a February issue of Garfield Heights' student newspaper after the principal and faculty adviser disagreed on revisions, staff members went to the school board to fight the paper's prior review policy.

The written policy said principal James Rose had the right to inspect *The Mirror* before publication and to address any concerns to adviser Glenn Jambor. In February, Rose saw articles about chemical mishaps in school laboratories and about senior "cut day" and requested revisions. After three meetings, however, Jambor decided to pull the articles rather than print watered-down versions.

Students took the incident to the school board and won changes according to which Rose will review the paper only if Jambor and assistant principal Marlene Remesch disagree on the acceptability of its content. Rose can also turn the item over to a student-faculty appeals board for consideration, although, according to the new policy, he is not bound by the board's findings.

Although the students expressed satisfaction with the changes, John Bowen, chair of the Scholastic Press Rights Commission of the Journalism Education Association and Lakewood, Ohio, High School newspaper adviser, said they are "still missing the point about what review is and does."

Prior review detracts from the educational benefits of high school journalism by making the students think their training is not important, Bowen said. "Prior review says to students simply that they aren't trusted, that they have not had adequate training and even if they did, they're not responsible enough to make decisions," he said. "Someone else always has the prior say." Reported in: *SPLC Report*, Fall 1989.

Houston, Texas

Every year, the *Yates Times* at Yates High School runs a story on the school's valedictorian. This year, when the valedictorian was the mother of one child and pregnant with another, the principal censored the article because it was "too personal." The story also included details of valedictorian Carrie Mae Dixon's difficult childhood, including the death of her mother and abuse of her and eight siblings by her stepfather.

Principal Chester Smith saw the article during a prior review session and told the staff it could not be published. Editor Shuronda Robinson said Smith did not give her a "sufficient" reason for his opposition, but merely claimed the community would not allow the article to run.

The *Times* has been subject to prior review since October 1988 when Smith, in his first month as principal, objected to an editorial that he said created problems. To prevent publication of anything "negative" about the school, he decided to review all materials before publication.

Robinson was determined to run the story and said if it was not printed, the paper would appear with a blank front page. Smith refused to permit that. As the controversy continued, Smith also requested that faculty newspaper adviser Thelma Johnson be transferred to another school.

Yates has a written publication policy that established the *Times* as a public forum and does not mention prior review, Johnson said. Reported in: *SPLC Report*, Fall 1989.

universities

Iowa City, Iowa

A display case put up by a conservative newspaper at the University of Iowa that contained a T-shirt depicting a homosexual act drew protests from homosexual and feminist groups. The case was placed in the Iowa Memorial Union in July by *The Campus Review*, a privately owned monthly newspaper published in Iowa City, employing university students and distributed to students.

The display consisted of several copies of the newspaper and a T-shirt that showed two men within a slashed red circle. Underneath the circle were the words "Stop AIDS" in large black print. The back of the shirt had the newspaper's name and the words "The Right Side of the Story."

University students, along with the University of Iowa Women's Resource and Action Center and the Gay People's Union, protested the display by circulating fliers and petitions. The Women's Resource and Action Center set up a counter-display next to *The Review's*.

The counter-display described *The Review's* display as "discrimination," and urged students to protest to the university administration for allowing it. Reported in: *New York Times*, August 14.

Green Bay, Wisconsin

The story of the student radio station at the University of Wisconsin-Green Bay came to a premature end June 25 when university security officials closed the station after complaints about obscene broadcasting. After being awakened by a call from security personnel about the complaints, station manager Glen Slaats ordered the station closed and the people in the studio ushered out.

Tom Smith, a student and WGBW assistant program director, said that he and another station staffer decided to protest the station's transfer to Wisconsin Public Radio by broadcasting profanity. "They didn't want to listen to us when we used conventional methods," he said. He added that for the previous month all the station's DJs had protested by playing profanity, "But they decided to make us the example."

Chancellor David Outcalt called the incident "a very serious matter which will require university follow-up." He said the people involved "apparently violated the staff con-

tract, they apparently violated the FCC rules and they apparently violated the university rules."

Outcalt said that what happened exemplified the "very unprofessional behavior which has been going on" at the station and contributed to the decision to turn it over to the management of Wisconsin Public Radio. "We have not been able to properly supervise," he said.

Smith, however, blamed the university for not paying attention to the student broadcasters' side of the story in making the decision to transfer the station. "WGBW is really a respected outlet in Green Bay and they didn't even look at that, they just did what they wanted to do," he charged.

Norb Rozek, a community volunteer at the station who was the official announcer when programming was stopped, conceded that things "got a little out of line for a while," as he, Smith and the previous shift's DJ "started blowing out a little steam about what was happening, about losing the radio station and what not." Rozek said he suspected university officials were especially outraged when the broadcasters "said every potential high school senior should go somewhere else. I don't think they were too happy about that." Reported in: *Green Bay News-Chronicle*, June 28.

military press

Washington, D.C.

A new military ombudsman was sent to the Far East in September to investigate allegations of censorship and employee harassment at the Pacific edition of *Stars & Stripes*, the U.S. military newspaper.

"What we have here is harassment of whistle-blowers and censorship," said Rep. Barbara Boxer (D.-CA). "It's bad enough to censor the news. Our men and women in uniform deserve the news as all of us get it, as harsh as it is. But they're not getting it."

The General Accounting Office, assisted by the Society of Professional Journalists, Sigma Delta Chi, reported last year that it found evidence of censorship and improper management at the government-run paper. Boxer and Rep. Earl Hutto (D.-FL), chair of the House Armed Services Readiness Subcommittee, wrote to Adm. Huntington Hardisty, commander-in-chief of the U.S. Pacific Command, asking him to investigate problems at the Pacific edition.

Department of Defense representative William Hart said the paper's military editors deny the claims of censorship and contend they have not been given solid evidence to back the allegations. To help resolve the dispute, the Pentagon appointed Philip Foisie, a former editor with the *Washington Post*, as ombudsman for military newspapers.

"We'll let the ombudsman play his role," Hart said. "These newspapers are essential to the military overseas. If there is evidence of censorship, that needs to come out. But if it is only editorial judgment that is being exercised, that needs to come out too."

Although frequently referred to as one newspaper, *Stars & Stripes* is published in two separate editions by largely autonomous bureaus in West Germany and Japan. The papers are staffed by military as well as civilian journalists, but both papers are led by an officer who holds the title of commander and editor-in-chief. Those officers, in turn, must answer to the heads of the European and Pacific Commands.

The Pentagon describes the two papers as “authorized, but unofficial publications.” Both operate under a charter to provide “a free flow of news and information . . . without censorship or news management.” But reporters who have worked for the papers say they walk a tightrope between reporting the news and satisfying military commanders worried about local sensitivities in the host country. Reported in: *Chicago Tribune*, September 21.

television

Washington, D.C.

Lawyers for Richard M. Nixon have tried to keep ABC from broadcasting a drama based on the former president’s last months in office, but the network and the program’s sponsor, A. T. & T., said the program would be broadcast as scheduled.

In letters to executives at both companies, Nixon’s lawyers implied that the former president could sue for libel and invasion of privacy should the drama, *The Final Days*, be broadcast without Nixon’s prior approval of its script. The program is a three-hour dramatization of the best-selling book *The Final Days*, by Bob Woodward and Carl Bernstein, which chronicled Nixon’s downfall in 1973 and 1974 in the Watergate scandal. The book caused comment when published in 1976, in part because of its literary form, in which emotions and thoughts were ascribed to its characters.

One letter, to the chair and chief executive officer of Capital Cities/ABC Inc., accused the company of “a pattern of deception and cover-up” by attempting to deny Nixon knowledge about the production.

ABC representatives said the network “did not modify the program” in response to Nixon’s demands and declared that ABC was “satisfied with its fairness and accuracy.” An A. T. & T. representative said that “our feeling was that if President Nixon were to sue, we’d cross that bridge when we came to it.” Reported in: *New York Times*, September 22.

photography

Toledo, Ohio

A Toledo photography group censored its annual show to avoid offending Owens-Illinois, Inc., which displayed it at the public gallery in its Toledo offices. Toledo Friends of Photography rejected two photos that the show’s juror initially accepted: a self-portrait displayed this past summer

at the Columbus Museum of Art that focuses on an erect penis, and a frontal view of a semi-clad man and woman. Owens-Illinois was never asked if the two photos should be displayed.

The Toledo’s group’s rejection letters to the two photographers were dated one day after the Corcoran Gallery of Art, in Washington, D.C., canceled a photography exhibit by the late Robert Mapplethorpe (see page 209 and *Newsletter*, September 1989, p. 164). No federal funds were involved in the Toledo display.

The display did include other examples of erotic art. “Breasts got by; pubic hair didn’t,” said Mary Field, a representative of the Toledo photography group. “None of the [censored] work was pornographic in any sense of the word. It is a national issue right now. If we didn’t have to worry about offending someone, we would love a storm that gets everyone looking at it.”

“It’s not that we’re against nudity,” Field continued. “We just didn’t want to take a chance.”

One of the censored artists was Kok Yong, a graduate student at Ohio State University, who said he was “frustrated and disappointed” by the censorship of his nude self-portraits. Yong moved to Ohio from Malaysia. “Nudity in any form, in an art book or a film, is considered pornographic there, and there is a lot of censorship,” he said. “Coming to this country, I thought, ‘Wow, I’ll have the opportunity to freely express myself.’”

“Men control the media and make pictures of what they like to see, so we’ve grown used to seeing the female nude — in wet T-shirts, in art and in film,” Yong said. “But men seem to have a great deal of difficulty looking at male nudes.” The Toledo group invited Yong to give a private show of his nude self-portraits to its 100 members in October.

At the entrance to the Toledo show, the juror who selected the censored photos left a statement condemning the Toledo organization’s censorship. “I see images ten times more offensive than these every time I open a national magazine or turn the TV on,” wrote the juror, Tony Mendoza, a nationally displayed Columbus photographer.

“All I can say is that the censors involved in this action understand very little about art, about pornography, about freedom of speech, and about the sensibilities and intelligence of the majority of the art-viewing public,” Mendoza said.

Louis Baldoni, a member of the Toledo Friends of Photography, said he would resign from the group in protest, commenting, “Should the nude *Duchess* by Goya be censored? Or the *David*?” Reported in: *Toledo Blade*, August 28.

airplanes

Los Angeles, California

Air travellers are generally aware that motion pictures screened on airplanes are edited — sometimes heavily — to

“protect” a general audience from material aimed at more restricted groups, although this is rarely, if ever, publicly noted by the airlines when the films are shown. But in one unusual instance, it was not occasional bursts of coarse language or fleeting nudity that was cut.

When the 1988 Oscar-winning film *Rain Man* was shown by United Airlines, an important scene lasting several minutes had been removed. In the scene cut from the airline version, Dustin Hoffman's character, an autistic savant, refuses to board an airplane, reciting a list of statistics about plane crashes involving a number of carriers, and then becomes hysterical when his brother, played by Tom Cruise, tries to get him to fly.

“Anyone who hasn't seen *Rain Man* in the theaters will notice that the scenario made no sense in the airline version,” said Entertainment Tonight's Leonard Maltin. “Why would the characters arrive at the airport and then suddenly be traveling cross-country by auto? But anyone who *has* seen *Rain Man* in full would be infuriated by the butchery. So why watch?”

Said United Airlines representative Patricia Graham: “Our policy is to remove portions of feature films that portray violence, nudity, obscenities or anything that could create discomfort for passengers about being on an airplane. Our industry in general also is inclined to seek out recent feature films of known popularity. Sometimes those interests come into conflict with one another. Our [censorship] requirements are even more rigid than those for network television,” Graham added. “On a plane, you can't turn off the picture or leave the room.”

“Why would any movie buff want to watch a film on an airplane in the first place?” asked Chicago film critic Dave Kehr. “The soundtrack is distorted through those little headphone receivers, the cabin is never entirely darkened so that the picture can be seen clearly, and unless it's a movie from the age of censorship — pre 1969 — it's going to be cut to bits.” Reported in: *Ft. Worth Star-Telegram*, July 12.

psychics

Fort Lauderdale, Florida

Supporters of psychics and opponents of censorship criticized a September decision by Fort Lauderdale to ban psychics from a Halloween festival because one city commissioner said they are affiliated with the occult. “It's a fringe view being imposed on the majority,” said Florida Coalition Against Censorship Chair Christopher Hosford. “Even worse, it's one politician's view.”

The Halloween festival, Masquerade Madness, is held annually as a fund raiser for the National Kidney Foundation. During two previous festivals, psychics and palm readers rented booths and donated 25 percent of their earnings to the charity. In a letter to the city dated September

13, Kidney Foundation officials agreed to drop the psychic fair portion of the festival. The city had said it would cancel agreements to lease equipment and provide services and supplies if the psychics remained in the festival.

City Commissioner Doug Danziger, whose efforts led to the ban, said he did not think the city should be sponsoring what he considers a religious event on public property. He said psychics belong to a group that worships the occult and the devil. He said the City Commission had approved his proposal not to promote any psychics on city property without discussion. Reported in: *Ft. Lauderdale News*, September 14.

foreign

Brussels, Belgium

Children under age 16 will not be allowed to see *Batman* in Belgium, the Belgian censorship board ruled August 31. The decision that the film was too violent for youngsters came a week before its scheduled premiere in the country. “Belgium sometimes has the ability to plunge into the depths of ridicule,” fumed Luc Honorez, film critic for *Le Soir*, Belgium's top-selling French language newspaper. “The grotesque ban on *Batman* has got to go.” Reported in: *Chicago Sun-Times*, September 4.

Havana, Cuba

Cuba's Communist Party banned the circulation of two Soviet publications that it said promote bourgeois democracy and the American way of life, the official newspaper *Granma* said August 4. The ban on the English-language weekly *Moscow News* and on the monthly *Sputnik*, published in several languages, was disclosed in an editorial headlined: “an unavoidable decision, consistent with our principles.” The two periodicals were accused of “justifying bourgeois democracy as the highest form of popular participation and with a fascination for the American way of life.”

“We are fighting for socialism and communism and therefore publications like these do not correspond with our reality or interests and are not for us,” the editorial said. *Moscow News* is one of the most liberal publications in the Soviet Union and contains forthright criticism of Soviet society and sometimes of Communist Party policies. *Sputnik* contains original material and reprints which are of less political importance within the country, but are often liberal in tone. In November, 1988, circulation of *Sputnik* was terminated in East Germany, which also stopped three editions of another Soviet periodical, *New Times* (see *Newsletter*, January 1989, p. 16). Reported in: *Washington Post*, August 5.

Jerusalem, Israel

Israel's theater censorship board was abolished in August on a two-year trial basis, giving Israeli playwrights free rein for the first time in the country's history. The legislative move came largely in response to a Supreme Court decision that went against the censorship board.

“The mere existence of such a power shouldn’t exist in a modern democratic state,” said Mordechai Vershuvski, a member of Parliament from the left-of-center Citizens Rights Party, who championed the bill eliminating theater censorship.

After two years, the legislation will be reviewed, a provision regarded by most theater people as a gesture to win support from religious parties. Few believe the censorship will be renewed, however. The Theater and Movie Censorship Board is a holdover from the British Mandate. There is also a separate military censor who oversees all press reports and other written material like books and magazines. That office was not affected by the new legislation.

Over the years the board censored a handful of plays and dozens of movies, citing security considerations, excessive violence or offense to religious beliefs. The censored plays — usually productions the board described as extremely leftist — included *Friends Talk About Jesus*, by Amos Kenan; *The Patriot*, by Hanoach Levine; and *Ephraim Returns to the Army*, by Yitzhak Laor.

Even with the change in theater censorship, however, film censorship remains. Of approximately 300 films screened each year, the board censors a half dozen or so, usually because of excessive violence, said Joshua Justman, the censorship board’s chair for the last decade.

In June, however, the Israeli Supreme Court overturned the censor’s ban on the American film, *The Last Temptation of Christ*. The 23-member board had banned the film last October on the ground that “its screening would offend the Christian faith and its adherents” (see *Newsletter*, January 1989, p. 30). The court decision was unanimous. The lifting of theater censorship was also spurred by a 1987 Supreme Court ruling that overturned a 1985 censorship ruling that the play *Ephraim Returns to the Army* was pro-Palestinian.

“To a large extent, the Israeli Supreme Court has accepted the precedents of the United States Supreme Court and adopted the test that freedom of speech can be limited only by the principle of ‘a clear and present danger’ to society,” said attorney Yoram Elroy. “But a play that wouldn’t be considered threatening in the U.S. could still be considered so in Israel because of Israel’s special security situation.”

Despite the lifting of censorship, most playwrights and theater directors said they did not think the new freedom would have much effect on the type of plays produced. Many expect legislators, during the probationary period, to monitor the theater world closely. In addition, some playwrights said that theaters would still not stage controversial plays because they would be risking state subsidies and heavy court costs.

In addition, Arab playwrights were not enthusiastic about the measure, although they welcomed it. “If the censor is abolished,” said Riad Masarway, an Arab playwright from Nazareth whose play, *The Ninth Wave*, was recently banned, “it doesn’t mean our problems are over.” Although his play may not be censored now, he said he expected the

police to charge him with incitement against the state. Reported in: *New York Times*, August 10.

Islamabad, Pakistan

A tabloid newspaper publisher was remanded to the Pakistani Secret Service August 7, a day after his arrest and the banning of his book alleging that Pakistan is building a nuclear weapon. Zahid Malik, author of *Dr. Abdul Qadeer Khan and the Islamic Bomb*, was arrested outside his pro-opposition newspaper, the English-language *Pakistan Observer*.

Staff at the *Observer* said the book had not been officially banned, but Malik was being questioned on charges that material in it was objectionable. After the arrest, agents raided his print shop and seized some 600 copies of the book.

Malik wrote that Prime Minister Benazir Bhutto, soon after taking power last December, asked Prof. Qadeer Khan, head of a nuclear research center, to stop his work toward developing a Pakistani nuclear bomb. Malik also charged that Pakistan had stolen nuclear formulas and equipment from several Western nations.

The Pakistani Federal Investigation Agency said the book, written in Urdu, “purports to give the impression that the policy of the government in relation to a sensitive and vital national project is contrary to that which is publicly stated by the government of Pakistan.”

The work “jeopardizes the peaceful [nuclear] program of the state . . . [and] is likely to cause grievous injury to the interest and security of Pakistan,” the FIA statement said. The book “gives out very sensitive secrets and in other parts misrepresents the policy of the state on sensitive matters.” Reported in: *Washington Times*, August 8.

Moscow, U.S.S.R.

On August 17, an official Soviet magazine published works by Leon Trotsky for the first time since he was exiled and slain. In the latest move toward Trotsky’s possible rehabilitation, *Molodoi Kommunist*, the magazine published by the Komsomol, or Young Communist League, reprinted a series of his articles called *The New Course*, that first appeared in *Pravda* in 1923.

The works, written at the height of Trotsky’s unsuccessful battle with Stalin for Soviet leadership, contain sharp criticism of the Communist Party. The magazine did not comment on the extracts nor did it explain why they had been selected for publication.

Another magazine, *Yunost*, already said it planned to begin serializing extracts from another Trotsky work, *Portraits of Revolutionaries*. Condemned as an “enemy of the people,” Trotsky was exiled in 1929 and assassinated in Mexico in 1940. In January, a Soviet weekly, *Literaturnaya Gazeta*, said for the first time that the Soviet government had been behind the slaying. Reported in: *New York Times*, August 18. □

new face on Moscow Book Fair

The Moscow International Book Fair, held in September, was once more famous for the books that were not displayed than for those that were. Several times American publishers were denied permission to display controversial titles by emigre Soviet authors, religious texts, works about Zionism and other materials. At times western publishers boycotted the proceedings in protest. But *glasnost* and *perestroika* seem to have changed all that.

"There is certainly a different atmosphere this year," reported Nicholas Veliotes, president of the Association of American Publishers. With only minor hassles, everyone from the United States Information Agency to a Michigan publisher of Russian language books that has long been a target of Soviet censors found the mood in Moscow very different from in the past.

"There is a big difference," said Charles Lieber, president of the association of Jewish book publishers. "There seems to be much greater freedom."

Two years ago, Soviet officials seized scores of books from the Jewish publishers. This year, not a single volume was banned, although several Yiddish-language tapes were held overnight. Moreover, the publishers were told that at the end of the week-long fair they could donate the books they brought to the growing number of small, private Jewish libraries in the Soviet Union.

Amid the optimism, there was one disruption involving Ardis Publishers, the Michigan firm. Elendea Proffer, head of the company, was not issued a Soviet visa until the night before the fair opened, even though all of Ardis' books and other staff members were already in Moscow. Her visa was issued only after urgent appeals from the U.S. State Department and Veliotes, who threatened to close down the huge stand of the Association of American Publishers if Proffer was not allowed to come.

"She has not been treated very well," said Mary Ann Szporluk, an Ardis representative. "But it is not the book

fair people. There are clearly some people in the bureaucracy who did not want her to come."

Ardis was also asked to keep one volume off the shelves of their small, but extremely popular, exhibit. The book was *Palisandriia*, by emigre author Sasha Sokolov, a new work of experimental Russian prose by a dissident satirist that may have been as objectionable for its attitudes toward sexuality as much as its politics.

Not only foreign publishers benefited from the new attitude. Soviet publishers displayed works long banned as hostile to Communist principles, including works by Sigmund Freud and Albert Camus. Soviet publishing houses even displayed books about the Beatles and Russian-born Jewish painter Marc Chagall — previously a virtual non-person — as well as a wide range of titles on Russian religious history and culture. Especially noteworthy was the appearance under Soviet imprints of long-suppressed works by Soviet and Western historians and journalists about the Stalin era. Among the titles now or soon to be available to Soviet readers are Alexander Solzhenitsyn's *Gulag Archipelago* and Boris Pasternak's *Doctor Zhivago*.

But perhaps equally important was that propaganda seemed to be giving way to business. "They are much more in the mood to make deals," said S. William Pattis, president of the Illinois-based National Textbook Company, who said he would be publishing American English dictionaries in the Soviet Union.

"Now we are showing books that we can buy and sell," explained fair representative Yuri Zakharov. The Soviet government this year informed all exhibitors that they would be responsible for their own costs. In the past, the government frequently paid the way for Third World exhibitors and publishers from countries the government wanted to have there. "Many such people decided not to come this year," Zakharov said. Reported in: *Chicago Tribune*, September 21. □

(S. Africa . . . from page 214)

in their internal policies by the government in an unprecedented case decided by the Supreme Court.

While these universities are demonstrably more progressive than others, the assumption that their source of funding determines their policies, as it does in the U.S., is incorrect.

With the exception of the determinedly all-white towns like Pretoria, the city public libraries are open to all races. Employment of non-white personnel above the clerical level is not common. The availability of qualified personnel is most frequently cited as the barrier to the employment of more non-white librarians. The lack of evidence of any significant effort to change this situation either by the employing

institutions or the professional society is some indication that it is not perceived to be a major problem. Yet the majority of users we observed in public libraries were non-white students using out-of-date textbooks, while the staffing and collections are oriented toward a group of more sophisticated users barely in evidence.

The schools we visited were private and charitable efforts to supplement or supplant what the government of South Africa provides for black students. We were told that the public schools situation is characterized by substandard instruction, inferior texts where available at all, frequent student strikes to protest school conditions and major distractions resulting from student involvement in the Mass Democratic Movement in black communities. Students reported that their lives are systematically disrupted by police efforts to combat racial unrest among blacks. They are also routinely and randomly detained and questioned about the

MDM for indefinite periods. There is great concern that this generation of black students is missing the opportunity to prepare for leadership responsibilities.

For the most talented non-white students a few private schools are the only alternatives at the elementary and secondary level. For others, several private educational and cultural organizations attempt to combat illiteracy, train teachers and provide materials to students and teachers. The work of all of these organizations, schools, libraries and universities are vitally affected by the cultural boycott.

effects of the boycott

Non-fiction books and other educational materials from the U.S. are generally unavailable to South Africans in schools, libraries or bookstores. Orders sent to U.S. publishers and booksellers are returned routinely with notices that the firm does not do business in South Africa. Some of the more obvious effects are:

1. Those books that manage to make their way to South Africa via third parties are expensive and very slow to arrive.
2. In certain fields universities must use inferior texts as alternatives to U.S. books.
3. South African university students are cut off from vital sources of information by University Microfilms, Inc.—source of all postgraduate research in U.S. universities—and by some libraries, including the Library of Congress, who simply do not respond.
4. There has been a dramatic increase in photocopying and a decrease in efforts to combat it recognizing that a text now costing \$50-\$60 can be made affordable by sharing the cost through selling photocopies.
5. An even poorer education for those who need it most. The emphasis of the majority of non-whites is now on education. With the government spending five times more on education for whites than blacks, the book boycott weakens the meagre alternative resources for non-whites.
6. American books of general interest in South Africa—civil rights movement, ethnic children's and young adult literature, books of Jewish interest and non-racial, non-geographical picture books for children—are in short supply.
7. An indirect effect is a more insular South African white population which is not exposed to the realities of the world.

conclusions

For these and other similar reasons all of the persons with whom we spoke oppose the boycott on books, even those who support the economic sanctions and the general cultural boycott as it affects athletic contests and rock concerts.

Although some U.S. books find their way to South Africa in British editions, mostly fiction and politics, they are popular despite their expense. They carry the banner of American culture, but the bulk of exposure is represented by movies and television. The most popular TV show in the black township of Soweto is "Dallas", while in the white Orange Free State it is "The Cosby Show".

Many publishers, librarians and educators are increasingly uncomfortable with the irony of the U.S. in the role of helping the government of the Republic of South Africa to isolate its population by stemming the free flow of information and ideas from the U.S.

However, it also seems clear that simply to remove books from the cultural boycott could appear to be a self-serving action on the part of the U.S. publishing industry. Whatever action proposed by the publishing industry and supported by library and educational interests should be intended to express a commitment to the free flow of information and support for the individuals and organizations working to build a non-racial society in South Africa.

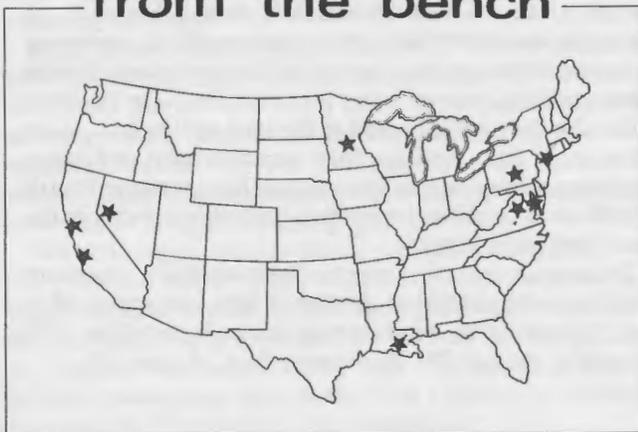
recommendations

1. That the Association of American Publishers urge its members and other publishers to discontinue the boycott of books and other educational materials for South Africa.
2. That the AAP request the support of the American Library Association, African Studies Association and other relevant educational and cultural organizations for this action. The basic tenets of these organizations support this position, it is consistent with the U.S. economic sanctions and it is supported by the African National Congress in its most recent policy statement on the cultural boycott issued in Lusaka, May 1989, paragraph 2.6 of which reads:

The suppression and circumscription of the inflow of information, cultural products and artifacts from outside South Africa is an important weapon in the arsenal of the oppressor regime, which it wields to consolidate its power vis-a-vis the oppressed and exploited majority. The NLM and the MDM support the inflow of progressive cultural products, artifacts and ideas into our country so that these become readily accessible to the widest sections of our people. We support and encourage the dissemination of all cultural products, artifacts and ideas that enhance the struggle for democracy and promote democratic human values as opposed to the oppressive, retrograde values and misanthropic ideals. This applies to books, newspapers, magazines, video, film and sound recordings manufactured and produced outside of South Africa.

3. That the AAP encourage its members to donate books to designated schools, libraries and charitable organizations active in the struggle for a progressive, non-racial society in South Africa.
4. That the AAP encourage those U.S. corporations that have divested their South African holdings to continue some of their charitable contributions to worthy and progressive recipients. □

from the bench



library

Monterey Park, California

An appeals court has upheld a ruling reinstating the Monterey Park Library Board that was ousted by the City Council in 1987 in a dispute over control of the library. Supporters of the board called the ruling "a defeat for the forces of bigotry and intolerance." The council had replaced all five board members with an advisory panel.

Opponents of the move charged that it was made in retaliation against library efforts to increase the number of foreign-language books in order to better serve the area's large Asian immigrant community, which now amounts to about half the city's population. Monterey Park Mayor Barry L. Hatch (a nephew of Utah Senator Orrin Hatch) has become known for his vocal calls for a ban on all immigration to the U.S. In May, 1988, a Los Angeles Superior Court judge ruled in favor of the board members, saying the California Education Code required the city to operate the library with a board having managerial powers (see *Newsletter*, March 1989, p. 58).

Michael F. Eng, president of the reinstated board, said the dispute centered on control of the library. It's a great victory for the independence of public library boards across the nation," said Eng. "This ruling will be cited as an affirmation for a grass-roots library system in which public appointees are going to be shielded from politics." *Los Angeles Times*, no date.

FOIA

Washington, D.C.

A panel of the U.S. Court of Appeals for the District of Columbia Circuit ruled July 28 that the nonprofit National Security Archive is entitled to cutrate prices for its voluminous requests to government agencies under the Freedom of Information Act. Writing for a unanimous three-judge panel, Judge Douglas H. Ginsburg held that the Archive, which compiles documents on national security and foreign policy, qualifies as "a representative of the news media" and is entitled to preferential pricing under the law.

The ruling came in a suit the Archive brought against the Defense Department for its refusal to classify the organization as either an educational institution or a representative of the news media (see *Newsletter*, November 1988, p. 215). Under 1986 amendments to the Freedom of Information Act, Congress said organizations like the Archive would not have to pay search-and-review charges for FOIA requests and should be charged only for duplication costs.

Ginsburg said the Archive was entitled to news media status because of its plans "to act, in essence, as a publisher" not only of books, but of so-called "document sets."

"Even if we are to defer to an agency's reasonable interpretation of an ambiguous statutory term, the statute, read in light of the legislative history, is clear: Congress intended that an organization like the Archive qualify as a representative of the news media." Relying on statements made by congressional sponsors of the amendments, Ginsburg concluded that "'representative of the news media,' a term which we are to interpret broadly, clearly encompasses the Archive, whose compilation and distribution of document sets is surely 'publishing or otherwise disseminating information.'"

Ginsburg defined a representative of the news media as one who "is, in essence, a person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience."

In an aspect of the decision of possible relevance to libraries, however, the court rejected the Archive's argument that it also qualified for preferential treatment as an "educational institution." Noting that the traditional meaning of that term was a school, Ginsburg concluded that "the obvious implications are that an organization that 'makes information available' is not an educational institution."

Tom Blanton, deputy director of the four-year-old organization, called the decision "an extraordinary victory" and said it will remove one of the biggest obstacles to the Archive's ability to put together encyclopedic collections on issues such as the Iran-contra scandal and U.S. activities in El Salvador.

Government agencies such as the State Department and the Central Intelligence Agency have been especially resistant to the Archive's work, Blanton said, "because we per-

form a centralized function. We can compare agency-by-agency performance under the Freedom of Information Act and we can compare their performance in response to requests on particular subjects. They don't want that."

An adverse decision in the case, Blanton said, "would have forced us to exhaust our time and funds in operating only through outside requesters. As an organization, we would have been able to pay for only a handful of the requests we have filed in the past." Reported in: *Washington Post*, July 30.

minors' access

Richmond, Virginia

A Virginia law restricting juvenile access to sexually explicit materials is constitutional, a federal appeals court ruled August 17 after the state's highest court, with U.S. Supreme Court prodding, narrowed the law's scope. A coalition of booksellers, distributors and publishers had challenged the law on the grounds it violated the First Amendment and placed an undue burden on business (see *Newsletter*, September 1987, p. 172; November 1987, p. 232; January 1988, p. 19; March 1988, p. 51; January 1989, p. 19).

Since 1970, it has been illegal to sell sexually explicit materials to minors in Virginia. In 1985, the state legislature made booksellers liable if they displayed such material in a way that juveniles could look at them. A federal judge and a panel of the U.S. Court of Appeals for the Fourth Circuit found the statute unconstitutional, saying it would impose a "significant" burden on booksellers.

Virginia, joined by twenty states with similar laws, asked the U.S. Supreme Court to uphold the law, but the high court sent the case to the Virginia Supreme Court to interpret the law to see if it would ban display of a substantial number of books and magazines or only a few "borderline" works.

The state Supreme Court responded with a narrow interpretation, setting the stage for the August decision by a panel of the Fourth Circuit court. The panel rejected arguments that even as interpreted by the state court the legislation is impermissibly vague, and held that "the statute places a minimal burden on booksellers and represents a constitutionally permissive exercise of the state's police powers."

Virginia Attorney General Mary Sue Terry praised the ruling. "I have maintained throughout this litigation that our statute was crafted to protect the interests of Virginians of all ages," she said. "I am pleased that the appellate courts, both state and federal, have concurred in that judgment."

But Michael Bamberger, attorney for the booksellers, noted that the law was declared constitutional only after it had been significantly narrowed. "Originally it barred the display of all works that are 'harmful to minors,' including books and magazines with serious literary, artistic, political and scientific value," he said.

Commenting on the decision, Maxwell J. Lillienstein, counsel to the American Booksellers Association, said, "I agree that we were ninety percent successful in narrowing the scope of the law in Virginia to the point where it adds almost nothing to preexisting obscenity law. The problem is that this decision is limited to the state of Virginia. Since there is one other decision from a circuit court of appeals regarding minors' access laws that conflicts with the Fourth Circuit court decision, booksellers will still be at risk in the other forty-nine states."

The appeals court also rejected the booksellers' argument that they were entitled to attorneys' fees. An appeal of at least that part of the decision was likely. Reported in: *ABA Newswire*, August 28; *Washington Post*, August 18.

publishing

New York, N.Y.

The publishers of *Spy Notes*, a satire of three popular novels that parodies the form of the Cliff's Notes study guides earned a reprieve September 5 from the U.S. Court of Appeals for the Second Circuit. In a one-sentence decision, the appellate court lifted an injunction against publication of the satire that had been issued by a lower court a month earlier. The editors of *Spy* magazine, who created *Spy Notes*, and its publisher, Doubleday, said they would now "turn the case to our advantage," presumably through promotion.

The satire of *Bright Lights, Big City*, by Jay McInerney; *Less Than Zero*, by Bret Easton Ellis; and *Slaves of New York*, by Tama Janowitz, had a cover that was too close to those used by Cliff's Notes and thus violated that company's trademark, the lower court ruled. While noting that the *Spy Notes* cover used the word "satire" and differed in some respects from the traditional Cliff's Notes format, U.S. District Court Judge Shirley Wohl Kram said, "It is not clear what is being satirized. . . . A consumer might reasonably conclude that only the books are being satirized, or that Cliff's is satirizing *Spy*."

"If this ruling is upheld, it will deal a significant blow to free speech and will endanger the viability of parody as a literary form," said Nancy Evans, president of Doubleday after the original decision was announced. But William M. Hart, a lawyer for Cliff's Notes countered that "Cliff's is as much entitled to First Amendment protection as Doubleday is. It would be a perverse injustice if someone in the name of the First Amendment was able to take a trademarked cover design and be immune from liability." Reported in: *ABA Newswire*, August 14; *Wall Street Journal*, August 4; *Washington Post*, August 4, September 6.

Alexandria, Virginia

Former Marine sergeant Clayton J. Lonetree, convicted two years ago of espionage in what became known as a "sex for secrets" scandal at the U.S. Embassy in Moscow, lost

a bid August 23 to prevent further circulation of a book recounting his plight.

U.S. District Court Judge Claude M. Hilton denied a preliminary injunction against the publishers of the book, *The Court Martial of Clayton Lonetree*, which Lonetree's attorneys said is based on confidential attorney-client information. Lonetree's lawyer, Lee Calligaro, said additional release of the book jeopardizes his clients appeal and would cause him "irreparable injury."

Robert Callagy, attorney for the publisher, Henry Holt and Co., said that half of nearly 13,000 copies of the book had been sold since its June release. He argued that information deemed damaging by the ex-Marine has been reported publicly. The book was coauthored by Lake Headley, a Las Vegas private investigator who worked for Lonetree's defense. Reported in: *Washington Post*, August 24.

periodicals

New Orleans, Louisiana

On August 17, a federal appeals court overturned a jury's \$9.4 million award that *Soldier of Fortune* magazine had been ordered to pay to the relatives of a woman murdered by a mercenary through an advertisement in the magazine. The U.S. Court of Appeals for the Fifth Circuit said that holding the magazine responsible for the 1985 slaying of Sandra Black would impose too great a burden on publishers to screen ambiguously worded advertisements.

Although the magazine had argued that the judgment against it violated its First Amendment right to freedom of the press, the court did not address First Amendment arguments, basing its ruling instead on Texas liability law.

Soldier of Fortune "owed no duty to refrain from publishing a facially innocuous classified advertisement when the ad's context — at most — made its message ambiguous," Judge W. Eugene Davis wrote for the unanimous three-judge panel. He was joined by Judges Will Garwood and Grady Jolly. Reported in: *New York Times*, August 18; *Washington Post*, August 18.

Minneapolis, Minnesota

A promise of confidentiality to people disclosing information to reporters is an oral contract, a Minnesota appeals court ruled September 5 in upholding \$200,000 of a \$700,000 damage award against the state's two largest newspapers. A panel of the Court of Appeals voted 2-1 that the *Minneapolis Star-Tribune* and the *St. Paul Pioneer Press* must share the payment to Dan Cohen, a public relations man who brought the suit. But the panel unanimously rejected Cohen's claim of misrepresentation and said he was not entitled to \$500,000 in punitive damages.

"News organizations cannot rely on the First Amendment to shield themselves from criminal or civil liability simply

because the acts giving rise to such liability were taken while in pursuit of newsworthy information," wrote Judge Marianne Short, joined by Judge Harold Schultz. "Surely, the newspapers would not suggest they are immune to ordinary commercial contracts for goods and services," Short stated. "Yet the newspapers maintain that an agreement with a news source is exempt from the law of contracts."

In partly dissenting, Judge Gary Crippen said the entire award should have been overturned. The case, he wrote, "involves the exercise of the coercive power of the state to punish the choice of the private press to publish."

The case involved a disclosure in the 1982 gubernatorial campaign that Marlene Johnson, a candidate for lieutenant governor, had once been arrested for shoplifting. Cohen, who worked for the rival candidate, provided the information on the condition that he not be identified. Reporters gave that assurance, but their editors ordered that Cohen's name be published, saying the public had the right to know that the information came from the rival campaign. Johnson won the election (see *Newsletter*, September 1988, p. 170).

The court said any First Amendment rights the newspapers had to publish Cohen's name were waived when the reporters pledged confidentiality. The papers' argument that the public had the right to that information was valid, but, the opinion said, that did not mean the newspapers had to use Cohen's name. Reported in: *New York Times*, September 6.

schools

Harrisburg, Pennsylvania

A U.S. District Court judge refused August 4 to hold the Waynesboro Area School District in contempt for restricting distribution of a religious newspaper on school property. Judge Sylvia Rambo rejected arguments by students Bryan Thompson and Marc Shunk that the school district enforced its distribution policy according to the content of the paper. The students had asked for the contempt citation on the grounds that school officials violated an earlier Rambo ruling by censoring material based on content.

"The only thing I can say is we felt we were complying with the judge's order all along," school district solicitor Timothy Misner said. "It's nothing more than what our defense was — we were complying."

In November, 1986, Judge Rambo ruled that the school system violated the students' First Amendment rights by blocking distribution of *Issues and Answers*, a Christian newspaper, inside Antietam Junior High School. In response, the district drafted a policy establishing guidelines for the distribution of non-curricular materials.

The policy said such materials must be approved by the principal, then put on a counter in the principal's office. Students may each take one copy and the materials must be

removed at the end of each week. The issue flared again in April when school officials made no effort to stop "Lean on Us Day," an unsanctioned show of support for teachers, while preventing Thompson and Shunk from sidestepping distribution guidelines at Waynesboro Area Senior High School.

"It is evident that 'Lean on Us Day' was a school-related activity designed to boost morale among the faculty and thereby benefit the school as a whole," Rambo wrote. "The court does not believe [the district] allowed 'Lean on Us Day' to proceed by refused to permit [the students] to distribute *Issues and Answers* . . . because of the content of the material involved." Reported in: *Hagerstown Herald-Mail*, August 5.

etc.

San Francisco, California

Political patronage hiring practices, unlike discharges and demotions, do not violate the First Amendment, the U.S. Court of Appeals for the Sixth Circuit ruled July 25. The court said elected officials are free to "implement a preference for political supporters in government employment where not otherwise controlled by statute."

Two applicants for state park seasonal maintenance positions requiring annual reapplication challenged the state's decision not to hire them for positions they had held for eight years prior to the 1984 season. They claimed that state officials refused to hire them due to their political beliefs.

The court held, however, that previous court decisions barring dismissals based upon political affiliation did not apply. First, it said that failure to rehire these seasonal workers after four months off the job was not, under state law, a dismissal. Then, positing distinctions between the First Amendment costs of patronage firing of incumbents and patronage hiring, the court concluded that patronage firing is a "specific punishment . . . for activities or beliefs past or present," as opposed to patronage hiring, which "simply recognizes a benefit or cost of past choices." Reported in: *U.S. Law Week*, August 15.

Reno, Nevada

A judge has ruled that a lawsuit may go to trial to determine if any subliminal messages on a heavy metal album by Judas Priest led to a suicide pact between two Reno youths. Washoe District Judge Jerry Whitehead ruled August 23 that subliminal messages do not enjoy First Amendment rights of freedom of speech because they are aimed at the subconscious. Whitehead said he found it difficult to accept that any expert could say the suicides were triggered by alleged subliminal messages on the British band's "Stained Class" album. But he said the issue should be decided by a jury.

In similar lawsuits filed across the country, judges have dismissed cases after ruling that artistic messages are protected by the First Amendment. But courts have not spoken

to the issue of subliminal messages. The lawsuit was filed by the families of the two youths. Reported in: *Chicago Tribune*, August 25. □

Randall wins deportation appeal

Margaret Randall, the author who conducted a long legal battle to avoid deportation for her leftist political writing (see *Newsletter*, March 1986, p. 54; November 1986, p. 219; March 1988, p. 59; May 1988, p. 105), finally won her case July 27. The basis for her victory was an unexpected one, however, without constitutional significance.

The highest appeals panel of the Immigration and Naturalization Service ruled that Randall, a native New Yorker who became a Mexican citizen in 1967, never lost her American citizenship and consequently had never been legally subject to deportation for any reason.

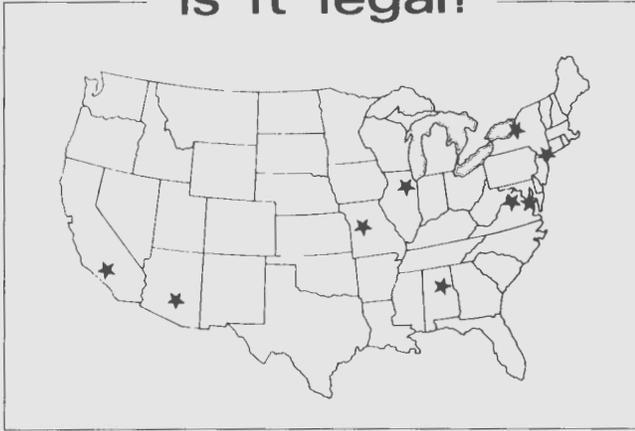
The 3-2 ruling by the Board of Immigration Appeals overturned a 1986 decision by an immigration judge in El Paso, Texas, who had ordered the author deported as an alien who advocated the "doctrines of world Communism." The judge based his order on the McCarran-Walter Act, the 1952 law that permits aliens to be barred from the country on the basis of their political beliefs. The appellate ruling was final and may not be further appealed by the government.

The board concluded that Randall assumed Mexican citizenship as a result of "economic duress" and not out of a desire to break her ties with the United States. In 1967, when she became a Mexican citizen, Randall was living in Mexico with her husband, a Mexican national, and their children. Her husband was unemployed and prospective employers told her that she would have to become a Mexican citizen to get a job. She and her Mexican husband later divorced.

Officials of the U.S. Embassy erroneously informed Randall that she had automatically forfeited her American citizenship. Ms. Randall believed this to be the case when, after living for 23 years in Mexico, Cuba and Nicaragua, she returned to the U.S. in 1984 and later married an American citizen. The immigration service denied her application for status as a permanent resident and began deportation proceedings.

In February, 1988, after Congress passed legislation removing ideology as a ground for excluding aliens from the U.S., the Justice Department said it would drop its action against Randall. But the Bureau of Immigration Appeals refused to drop the case, claiming that the legislation was not pertinent to Randall's situation. The July 27 decision left that question unresolved. Reported in: *New York Times*, July 28. □

is it legal?



flags

Washington, D.C.

The House Judiciary Committee approved legislation July 27 intended to outlaw flag burning, setting of a partisan scramble as Republicans complained of being steamrollered and insisted that a constitutional amendment was essential to protect the flag. The 28-6 vote by the Democratic-controlled committee means the bill went to the full House; similar legislation was pending in the Senate.

Democrats hope the statute can circumvent the Supreme Court's June ruling that flag burning could be a protected form of political speech. The legislation was carefully drawn to try to avoid any hint of an effort to curb political expression, but Republicans and many constitutional authorities argue it will not pass muster with the Court.

The legislation states: "Whoever knowingly mutilates, defaces, burns, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year or both." Reported in: *New York Times*, July 28.

Wheeling, Illinois

A Wheeling police sergeant was suspended for 21 days without pay September 21 for turning the village flag upside down because he was upset over a departmental matter last spring. The village Board of Fire and Police Commissioners voted unanimously to suspend Sgt. Michael Staufenbiel, although Police Chief Michael Haeger sought his demotion.

According to Police Department attorney Stephen Culliton, the flag turning was a personnel matter unrelated to Staufenbiel's First Amendment rights. "The message from Sgt. Staufenbiel is you do not have to follow the rules of this

department," Culliton said during the hearing. In rebuttal, the officer asserted that five months had passed since the incident and the department had not visibly suffered from it.

The incident occurred April 7 after a decision to fire another officer was taken by the same board that suspended Staufenbiel. Outraged, Staufenbiel took the flag at village hall from its stand and left it leaning on its pole — upside down — against a wall, where custodians found it the next morning. After a two-month investigation the sergeant was charged with discrediting the Police Department and violating department standards.

"The Supreme Court has said it's not against the law to burn a symbol which represents 260 million people," Staufenbiel said in arguing against calls for his demotion and for a three-day suspension. "The Village of Wheeling flag represents 30,000 people," he continued, noting that he did not damage its flag at all. "It's not all right to upend the village flag," he concluded, "but it certainly shouldn't be punished by such a severe sentence." Reported in: *Chicago Tribune*, September 21, 22.

church and state

Montgomery, Alabama

Moments of silence and recitations of the Lord's Prayer were common across Alabama at high school football games August 24 and 25, but organized prayer was not. Reports across the state indicated that most schools obeyed a court ruling banning organized prayer at high school football games.

One exception came in Montgomery where, on August 24, Mayor Emory Folmer and Montgomery County Commission Chair William Joseph, Jr., led pregame prayers at a game between Robert E. Lee High and Jess Lanier High of Bessemer. Ten protesters blasted air horns during the prayer and one was arrested after a tussle with police. Five other were ejected.

Martin McCaffery, vice president of the Civil Liberties Union of Alabama, said the prayer led by Mayor Folmar was illegal. "Mr. Folmar has a First Amendment right to sit in the stands and pray all he wants," McCaffery said, "but he doesn't have the First Amendment right to commandeer a city stadium for the purpose of a prayer session." The CLUA said it would sue the mayor.

The controversy is a result of a federal court ruling banning organized prayer before high school football games in Alabama, Florida and Georgia. The U.S. Supreme Court let stand a decision by the U.S. Court of Appeals for the Eleventh Circuit that said organized prayer before football games in the three states violates the separation of church and state. The ruling came in a case from Georgia.

Outside of Montgomery, resistance to the decision waned as the start of the football season approached. In Shelby County, where some coaches and principals earlier had

vowed to have organized prayers, moments of silence were the norm. There was no silence in Sylacauga, however, where a group of about 35 people loudly recited the Lord's Prayer and led the stadium crowd in that prayer.

The group, most of them from Valley View Church of God, stood up just prior to the game, signaled to each other and recited the Lord's Prayer. Many of the 3,000 fans joined them, but the public address announcer started giving announcements over the intercom system.

In Jefferson County, where just days before the first game of the season, the county board of education reluctantly agreed to advise principals and coaches to obey the ruling after considering various plans to resist it, Birmingham radio station WMJJ-FM broadcast a one-minute non-denominational prayer at 6:55 p.m. August 25. The station said it would do so for the next ten weeks during the high school football season.

In Mobile, WKSJ also invited listeners at the game to "turn up your radios now for a traditional pre-game invocation." The Supreme Court "say[s] its OK to burn a flag, but they say 'no' to letting our kids pray before a football game," said one Mobile woman. "The Supreme Court just keeps coming out with these things that don't make any sense at all," she continued. "I hope [WKSJ keeps doing these prayers, and maybe it will catch on more."

The Alabama State Board of Education did not take a formal stand on the issue. The Rev. Willie Paul, a state board member from Montgomery, said the matter would probably be addressed in the future. Reported in: *Birmingham News*, August 22, 23, 25, 26; *Birmingham Post-Herald*, August 18, 22; *Mobile Register*, August 26; *Montgomery Advertiser*, August 25, 26; *Montgomery Journal*, August 24, 25.

Tempe, Arizona

The cross that has sat atop Arizona State University's Danforth Chapel for 42 years has sparked a church-and-state controversy involving the administration, faculty, the ACLU and various religious groups.

The issue at the state-financed institution came to a head in July when the cross toppled to the ground, forcing the administration to decide whether or not to restore it. On August 11, President Richard Peck ordered its restoration. "Not replacing the cross had a certain appeal to it, but it would not resolve the issue," Peck said. Louis Rhodes, executive director of the Arizona Civil Liberties Union, said he would inform the university that the ACLU will take court action if the cross is put back up.

Members of the university community who oppose having the cross in place argue that the chapel has always been open to all faiths, and its name and appearance should reflect that ecumenism. Last May, Prof. Randel Helms introduced a resolution in the Faculty Senate advocating the cross's removal and the changing of the chapel's name to Danforth Interfaith Center. The resolution passed 61-21. Several weeks later, the committee that represents the university's

nonacademic staff said a membership survey found that 1,000 of the 1,231 polled wanted the cross retained. Reported in: *New York Times*, August 14.

broadcasting

Washington, D.C.

"I don't think we can be valueless in our approach to broadcasting," explained Alfred C. Sikes, the new chair of the Federal Communications Commission. On August 24, less than three weeks after taking office, Sikes gave approval to an FCC crackdown on three radio stations that aired allegedly indecent material during daytime hours. The same day, the agency asked a federal appeals court to remand a case — brought against the FCC by Action for Children's Television — to give the agency more time to strengthen its arguments in support of a round-the-clock ban on indecent broadcasts.

The stations cited for violating indecency regulations were WLUP-AM in Chicago, WFBQ-FM in Indianapolis, and KSJO-FM in San Jose, California. All three were given thirty days to respond before the FCC decides whether to impose sanctions.

The latest citations may signal an era of tougher enforcement under Sikes' leadership. His predecessor, Dennis R. Patrick, made similar moves in 1987, but later seemed to back off by calling broadcast indecency a "no-win issue" tangled up in litigation.

During Sikes' confirmation hearing before the Senate Commerce Committee, he recalled that as the onetime owner of a rock radio station he directed his general manager "to remove vulgar lyrics" from songs. Sikes said he tried to "exercise the responsibility I felt that I owed because I held a public license as a broadcaster."

"Broadcasters have special responsibilities," he said. "When they have control of a piece of the spectrum and enjoy the opportunity to broadcast from a turntable or an announcer's microphone throughout their coverage area, that's special.

Sikes suggested to the Senators that broadcasters and cable operators voluntarily adopt standards. "I think it would be good for people with great distribution power to sit down and think about what standards they want to apply," he said. "I think it is very dangerous to expect government to act as the broadcaster or as the parent."

Prior to 1987, the FCC's definition of indecency had been limited to the "seven dirty words" popularized in a comedy monologue. As a result, no broadcasters were cited for indecency between 1975 and 1987. Under Patrick's administration, however, warnings were issued in April, 1987, to New York "shock radio" host Howard Stern and to Pacifica Radio's Berkeley California station, KPFA-FM, and to another California station.

Subsequent court rulings upheld the commission's authority to prohibit indecent broadcasts during daytime

hours," where there were reasonable risks that unsupervised children might be in the audience.

Announcing the latest citations, Mary Catherine Kilday of the FCC's enforcement division said: "We are devoted to having our rules obeyed. But we are not in the business of censorship, nor should we intrude in the area of programming decisions. When First Amendment values are involved, we have to be very careful."

Yet, despite such statements, the recent actions raised some alarm among media activists. "He [Sikes] appears to be less of an ideologue than his predecessors," said Peggy Charren of Action for Children's Television. "On the other hand, I wish he hadn't moved so quickly and so enthusiastically on indecency. It makes me nervous."

Gigi Sohn of Media Access Project said the swift move on indecency "shows that Sikes commission doesn't have its priorities in order." Reported in: *Chicago Sun-Times*, August 27; *Wall Street Journal*, September 5.

Washington, D.C.

The House of Representative voted August 1 to give and antitrust exemption to the television industry so it can try to adopt voluntary guidelines aimed at curbing violent programming. The bill would give television networks, local stations, producers and the cable TV industry a three-year exemption.

The 399-18 vote sent the measure to a House-Senate conference committee. The Senate version of the bill, sponsored by Sen. Paul Simon (D-IL) (see *Newsletter*, July 1989, p. 139), was approved on May 31 with an amendment by Sen. Jesse Helms (R-NC) that also would allow the TV industry to discuss ways to curb scenes that glorify drug use and portray sexually explicit material.

The Senate twice before has passed similar legislation sponsored by Simon, but the House failed to pass either. House legislation had been bottled up in the Judiciary Committee under then-chair Rep. Peter Rodino (D-NJ). But the TV violence bill was reported out of committee this year under a new chair, Rep. Jack Brooks (D-TX).

"This is indirect censorship, pure and simple," Rep. Don Edwards (D-CA) said during debate on the legislation. But one of its authors, Rep. Dan Glickman (D-KS) said it was needed in an age where "conservatively, children are exposed to 12,000 violent acts a year" on the screen. "I believe the television industry wants to accept a degree of help" to allow it to deal with the problem, Glickman said, adding that "constitutional experts who testified before the Judiciary Committee said this bill did not conflict with the First Amendment."

Broadcasters, aware that Congress could impose mandatory restraints, have supported the legislation but are concerned that they would be vulnerable to lawsuits from anyone they did not include in the talks on curbing violence. Broadcasters instituted a "family viewing hour" in the 1970s but

abandoned it when the TV industry was sued by the Directors Guild of America on First Amendment grounds.

The ACLU has called the legislation a "Trojan horse" that could open the door for eventual government censorship of television broadcasting. Reported in: *Washington Post*, August 2.

schools

Montgomery County, Maryland

The Montgomery County Board of Education on July 11 unanimously approved a "Rights of Privacy" policy. The new policy reads: "Student privacy interests shall be respected. Therefore, to preserve legitimate expectations of privacy in the student's personal and home life, no student shall be required to reveal as part of the instructional program matters relating to his/her personal life, those of his/her family, or his/her status within the family."

Implementation guidelines were also approved, including a stipulation that assignments "will never require students to reveal family occurrences or personal habits, relationships, preferences, traits, decisions, or problems." The guidelines prohibit teachers from employing survival games or other decision-making exercises in which participants are presented with hypothetical crises and asked to decide which members of a group should survive and which should perish.

Finally, the new policy specifies: "If, for any reason, a student's parent requests that his/her child not participate in a particular activity, the teacher should provide an alternative and equally attractive activity in a manner which does not call attention to the student's religion, values, or physical condition." Reported in: *Washington Post* (Maryland edition), July 27.

university

Buffalo, New York

Two law students are suing their State University of New York at Buffalo law professors, seeking to overturn a 1987 faculty position paper aimed at discouraging use of language "based on prejudice." The students — Daniel P. Majchrzak Jr. and John S. Wiencek — said their suit would help free the law school from "the grip of leftist oppression" and ensure the right of students to speak freely, even if they express unpopular views.

"We are always pleased when our students are concerned about protection of individual rights," law dean David B. Filvaroff noted. "Unfortunately, they are mistaken in this case."

At issue is the "Faculty Statement Regarding Intellectual Freedom, Tolerance and Prohibited Harassment." It was adopted unanimously by the law school faculty on October 2, 1987, after a series of incidents of prejudicial harassment.

The policy promises "swift, open condemnation by the faculty" of "remarks directed at another's race, sex, religion, national origin, age or sexual preference" and of "homophobic and anti-lesbian, ageist and ethnically derogatory statements, as well as other remarks based on prejudice and group stereotype."

"The worst thing is that it's basically a content-based prohibition of certain unpopular types of speech," Majchrzak said. Added Wiencek: "They do not define what is racist, sexist or homophobic and how to go about determining if it is. Is it the intent of the person saying it or whoever hears what is said."

Although the policy clearly specifies that only actions, not words alone, will bring sanctions, the students maintain that the word "condemnation" implies that students could be penalized for what they say alone. "Not only do you not know what to say, but you don't know if what you say is going to get you in trouble," Majchrzak said.

Wade J. Newhouse, who was dean when the statement was adopted, disagreed. "There is a distinction between condemnation of views and sanctions for actions. Anybody who can't comprehend that from the statement is ignorant, unable to read or, more likely, trying to get publicity," he said.

Newhouse said the statement was drawn up and adopted in an atmosphere in which students who spoke out in class on particular issues received intimidating notes. A racial epithet about the number of black students in the law school was written on a bathroom wall, and one woman received a decapitated doll in her mail box. Dog excrement wrapped in tin foil was also left in a student's mail box and another's car tires were slashed.

"I guess I don't regard the protection of students from racial or sexual acts of intimidation or harassment as liberal or conservative," commented Dean Filvaroff. He said the faculty issued a subsequent statement specifically stating that students would not be sanctioned for "pure speech." While the faculty statement is under review and may be revised, Filvaroff denied that it violated the First Amendment. Reported in *Buffalo News*, August 11.

press rights and privacy

Washington, D.C.

The National Transportation Safety Board voted August 3 to oppose the broadcasting of airline cockpit voice recordings after crashes and indicated that it would support legislation to keep the tapes secret. The five-member board voted unanimously to support the position of the Federal Aviation Administration and the Airline Pilots Association in deploring the court-ordered release of a recording from a Delta Air Lines plane that crashed in Dallas.

The board said the interest of safety would be best served by keeping the tapes confidential, not making them available for what one member, John Lauber, called "the lurid entertainment of the public."

Journalists argue, however, that crew members' rights to privacy are outweighed by both safety concerns and the public's right to know. Media representatives say they are increasingly skeptical of the accuracy of transcripts released by the airlines and government agencies.

The courts have, to date, sided with the media. The *New York Times* won a lawsuit to obtain cockpit tapes recorded during the space shuttle Challenger disaster. That decision was appealed and is currently under consideration by the full U.S. Court of Appeals for the Second Circuit.

"The *Times* is really unwilling to leave any stone unturned in a matter of such importance," said Patrick Carome, an attorney for the newspaper. "The *Times* won a Pulitzer for its Challenger coverage. It's not willing to take the government's word on this and believe that there's nothing important on the tape."

That skepticism was intensified by the court-ordered release of the Delta Flight 1141 cockpit tape. The recording, broadcast throughout the country on July 31, revealed that the crew had violated the "sterile cockpit" rule by allowing a flight attendant to stay in the cockpit and gossiping while going through their takeoff checklist.

The tape's release enraged industry representatives and pilots, who briefly threatened to turn off their recorders. The safety board said the airlines and pilots had agreed to allow the recorders into the cockpit only as an investigative tool. Accident investigators fear that crews will not communicate fully if they believe their conversations would be made public and that this could ultimately jeopardize safety.

"The release of irrelevant parts of a cockpit tape recording can give misleading impression," said Air Line Pilots Association representative John Mazor. "People hear the pilots talking about things that are personal-type conversations and they get the impression that the crew isn't doing its duty. They don't see that maybe the crew had previously performed a flawlessly executed checklist."

Cinny Kennard, the reporter for WFAA-TV in Dallas who sued for the Delta tape, said she became curious when she learned that Delta had fired the crew and saw the transcript contained three gaps of almost ten minutes. The station aired portions of the tape on four broadcasts. On the noon news program they played the screams of the pilots as the plane crashed, but they decided to omit that section for their three evening shows. Reported in: *New York Times*, August 4; *Washington Times*, August 31.

videos

Kansas City, Missouri

An attempt by Missouri lawmakers to keep violent videotapes from young viewers was challenged in a landmark lawsuit filed in federal court in August. The suit was filed on behalf of the Motion Picture Association of America, the Missouri Retailers Association, the Missouri Grocers Association, the Video Software Dealers Association, Video Express Inc. and Bailey's C.C. Enterprises Inc. It aims to block a state law, considered the first of its kind in the country, that broadens obscenity standards to include violence.

The suit calls on U.S. District Court Judge D. Brook Bartlett to void the law and issue temporary and permanent injunctions barring the state from enforcing it. In the suit, motion picture and video industry lawyers contend the law violates guarantees of free expression in both the U.S. and Missouri constitutions. They also charge that the statute is too vague and forces companies to guess which videos must be displayed in special areas for morbid and violent treatment.

The statute sets three basic standards for defining a video as too violent:

- If an average person applying community standards would conclude that the video tends to cater to a morbid interest in violence of someone under 17.
- If the video depicts violence in a way adult community standards would find patently offensive and unfit for those under 17.
- If the video seriously lacks literary, artistic, political or scientific value for that young audience.

Originally, the bill would have required that the videos be relegated to separate rooms off-limits to those under 17. Instead, the law only requires that they be placed in a special area. Reported in: *Kansas City Times*, August 23.

survey research

Washington D.C.

By a 356-58 vote, the House of Representatives on August 2 passed legislation that would prohibit the Public Health Service from spending \$11 million for an extensive study of sexual behavior. There was no debate on the action, which was included in appropriation legislation covering federal AIDS spending by the House Appropriations Labor, Health and Human Services and Education subcommittee.

In a report accompanying the bill, the subcommittee wrote that the survey "does not appear to be an appropriate use of federal funds." Public health officials said the sexual behavior study would allow them to learn more about how AIDS and other sexually transmitted diseases are spread. The Kinsey Report, conducted in 1948, was the last thorough study of American sexual practices.

A pilot questionnaire composed by the Health Service sought to learn when participants had most recently had sex,

what practices they engaged in and whether their partner was male or female. Some Bush administration officials and conservative lawmakers opposed the survey, however, arguing that it would be an invasion of privacy (see *Newsletter*, July 1989, p. 139). Reported in: *Chicago Tribune*, August 3.

visas

New York, N.Y.

The State Department turned down a visa request from a top Cuban pianist scheduled to play with jazz great Dizzy Gillespie in New York, department officials announced August 18. The pianist, Gonzalo Rubalcaba, and his band, Grupo Proyecto, were to perform with Gillespie at a free concert in Central Park as part of the annual Festival Latino.

New York producer Joseph Papp, whose Public Theater organized the festival, called the decision "shortsighted, outdated and whimsical," pointing out that three Cuban filmmakers had received visas and were in New York for the event.

Officials in the department's Office for Consular Affairs said the visa request had been denied under a 1985 presidential order banning visas for Cubans employed by the government, as are almost all Cuban artists. The filmmakers were deemed exceptional, officials said. Sen. Daniel P. Moynihan (Dem.-N.Y.) and several other members of the New York congressional delegation attempted to secure visas for the musicians.

In a letter to Bernard Aronson, assistant secretary of state for inter-American affairs, Papp called the decision "counter-productive." He said it "ends up as an attack against artists whose presence poses no threat to national security." The denial, he added, "will not cause Castro any sleepless nights, but will deprive several thousand Americans, mostly Latinos, of hearing the music of this distinguished group."

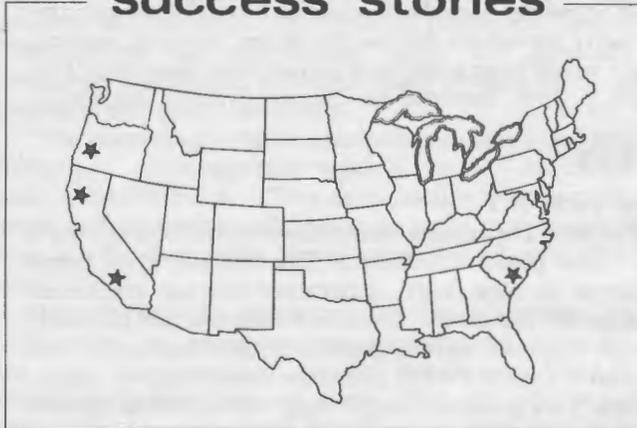
Gillespie has described Rubalcaba as "the greatest pianist I've heard in the past ten years." It was at his request that Rubalcaba was scheduled for the festival. Reported in: *Washington Post*, August 19.

blacklisting

Hollywood, California

Charging that unnamed pressure groups have been attempting to block employment of actors because of their political views, the Screen Actor's Guild's board of directors reaffirmed its longstanding opposition to blacklisting. Recalling "those dark blacklist days of the 1940s and '50s," a resolution approved by the board in early August said that certain unnamed organizations "have begun to inform the networks, producers, advertisers and consumers of the 'liberal' leanings of television in general, and of the 'leftist' political agenda of certain stars, actors and TV producers." A similar resolution was passed by delegates to the national convention of the American Federation of Television & Radio Artists. Reported in: *Variety*, August 9-15. □

success stories



libraries

Santa Monica, California

A Santa Monica library mural that criticizes California's white settlers for destroying Native American culture must remain on display despite efforts by the local library board to remove it, the city attorney determined in June.

The mural, "Santa Monica Timeline," which appears in the foyer of the main library, is protected by the First Amendment and by a city contract with artist Jeff Weiss, City Attorney Robert Myers declared.

Shortly after its installation in January, the mural was criticized by a descendant of one of Santa Monica's founding families and some library patrons. They objected to a strongly worded quotation from *Bury My Heart at Wounded Knee*, a 1970 book on Native American history by Dee Brown, featured in the mural. The text of the quotation says Spanish settlers "converted and debauched" Native Americans, then Gold Rush settlers came and finished "debasement" them.

Santa Monica Library Board members sought to move the mural or edit the quotation and asked the city attorney for counsel. Upon receipt of Myers' opinion, the board dropped the effort, Librarian Carol Aronoff said.

Myers wrote that the mural constitutes speech "protected both by the U.S. and California constitutions. . . . The City has voluntarily made the Library wall a limited 'public forum' for display of the art work and cannot constitutionally

restrict the work based on its content." He noted that the mural quotation failed to meet standards of obscenity, libel, or speech creating a clear and present danger to others that would permit its censorship. Myers added that the city had signed a contract with the artist not to "intentionally destroy, alter, mutilate, or deface the work."

Myers said it was "palpably ironic" that the board wished to remove or alter the mural because the offending passage was from a book that is available from the library. "As repositories of centuries of thought," he wrote to the board, "libraries by their very nature challenge preconceived beliefs and provoke clashes of ideas. . . . For this reason, if a public library is to fulfill its mission as 'a place dedicated to quiet, to knowledge, and to beauty' (*Brown v. Louisiana*), the Library must resist taking the path of censorship." Reported in: *Santa Monica Outlook*, June 6.

Salem, Oregon

The Salem-Keizer School Board voted June 27 to leave *Then Again, Maybe I Won't*, by Judy Blume, in elementary school libraries. Three parents had asked the district to pull the book from library shelves because they believed that it raised issues of sexuality and social behavior inappropriate for elementary school pupils.

In a letter to the district, Danielle Scott Bennett wrote: "I object to the emphasis on pre-pubescent sexuality as a basis for a story. I think Judy Blume's books of this nature encourage an unhealthy preoccupation with sex." Bennett added that her husband described the book as "kiddy smut." She was joined in her complaint by parents Angie Henry and Judy Meek.

The complaint was considered by the district's Instructional Materials Review committee, which voted 4-3 May 30 not to remove or restrict access to the Blume book. That decision was affirmed by the school board in a 7-1 voice vote.

"Quite frankly, when I read this book, I thought that's real life. My kids face these issues, and issues like it, all the time," said board member Roy Naff, who noted that his daughter, an elementary school pupil, had also read the book without problems. "I truly just did not see anything inherently wrong with this book," he concluded.

Other board members agreed that the book did not contain objectionable material, although some said it was boring. Reported in: *Salem Statesman Journal*, June 27, 28.

Spartanburg, South Carolina

Members of the Spartanburg County Library Board agreed August 17 to keep a controversial children's book on library shelves, despite charges from the local NAACP leaders that the book is racist and should be removed. Although local NAACP President Roy Henderson initially responded to the decision with a call to picket the library, chapter members voted unanimously not to do so because the protest would be counterproductive.

"They just felt it would not accomplish what we wanted,"

Henderson said. Instead, he said the group would organize a program to encourage parents to bring their children to county libraries and read book titles on the shelves of the children's section. "We want parents to go in and see what's in there," he said. "There might be more books we find objectionable, and we may ask that they be removed. But we want to take a positive approach and encourage people to use the library. We don't want to drive people away from the library."

Henderson stressed that the Spartanburg NAACP's objections to *Epaminondas and his Auntie*, a book first published in 1907, remained. He said he would still prefer that the board remove the book from the library completely, but called the Library Board's decision to move it from the children's section to the folk life section a partial victory.

The 16-page book portrays a black boy and the troubles he runs into following his aunt's instructions. Local NAACP Education Committee Chair J.R. Wright, a retired teacher, said the book's drawings were stereotypical and demeaning to black people.

"I didn't see anything of value in the material," Wright said. "I find that it does not teach a lesson. It contributes nothing to anybody." Wright acknowledged, however that book bans were problematic. "It's always sticky when you suggest some material not be used for reading."

Henderson said he was told about the book in May by a woman who saw it on a children's shelf at a library branch. He wrote to County Librarian Dennis Bruce asking that it be removed. Bruce submitted the matter to the library's Collection Development Committee, which recommended that the book be taken from the branch and placed in the main library's folk life section. The NAACP then appealed to the board.

"I don't believe in censorship," board President Emeritus Chris Irwin said. "It would open a floodgate." The decision to retain the book was unanimous.

Bruce said he welcomed the NAACP decision not to picket and called the proposal to encourage parents to get involved in the library "wonderful." The library also encourages parents to bring their children to the library and help them select reading material, he said. "I think they'll find we have a lot of outstanding, excellent books, including some contemporary things done by and about blacks," Bruce said. Reported in: *Spartanburg Herald Journal*, August 4, 18, 22.

schools

Laytonville, California

The exploits of Dr. Seuss' forest-championing Lorax can be read by children, a special panel in the tiny Laytonville Unified School District decided September 13. A committee of teachers, administrators, parents and a librarian named

new confidentiality statute

New Hampshire is the 42nd state to make library user records confidential by statute. On May 22, the New Hampshire Senate and House of Representatives passed an act "Relative to Library Records Confidentiality," which became effective on July 21. The eight remaining states without confidentiality legislation are: Hawaii, Idaho, Kentucky, Mississippi, Ohio, Texas, Utah, and West Virginia. Confidentiality is also protected in the District of Columbia. □

to consider protests by loggers against *The Lorax* voted 7-1 to keep the book on a required reading list for second graders.

"This book should not be interpreted as an indictment of the timber industry," schools superintendent Brian Buckley said. "In fact, it includes practices that even the timber industry does not favor."

Judith Bailey, whose husband is an ex-tree cutter and now sells logging equipment, filed the complaint against the Seuss book. She said her 8-year-old son Sammy set off the battle when he came home from school and declared: "Poppa, we can't cut trees down. It's not good. You take the houses away from the little animals." Other logging families rallied behind her.

"*The Lorax* is a fun and well-illustrated book that criminalizes the foresting industry," explained Bill Bailey, who has included warnings about the book in his nationally circulated mail-order catalog. "One of the characters guts the land and is personified as being greedy and anti-nature and that's unfair to the forest industry. It criminalizes a very legitimate and needed industry, implies we lack concern, ignores that we are planting trees, that we give a damn about creeks and erosion . . . and that we are looking for sustained yields. So many people from this town are in the forest industry that I just don't think it's right."

The Lorax criticizes the destruction of the earth's forests, chronicling the fuzzy-headed Lorax's unsuccessful fight against the ax-wielding, smog-belching, water-fouling Once-ler family.

The Dr. Seuss battle was a manifestation of a larger "timber war" that has swept Northern California's logging country. According to Superintendent Buckley, the timber industry feels itself "under siege" from "preservationists" who have recently moved into the region. The controversy became readily focused in the schools because the school board is the only elected body within 50 miles. Reported in: *San Francisco Chronicle*, September 13; *Eureka Times-Standard*, September 16. □

ticular religion or nonreligion." The proposal also would bar grants for art that "denigrates, debases or reviles a person, group or class of citizens on the basis of race, creed, sex, handicap, age or national origin."

In addition, the Helms legislation included language barring grants for the next five years to two specified art groups that supported controversial exhibitions by photographers Andres Serrano and the late Robert Mapplethorpe. A work by Serrano depicted a plastic crucifix submerged in the artist's urine. Several of Mapplethorpe's photographs depict homoerotic scenes (see *Newsletter*, September 1989, p. 164).

James Fitzpatrick, a prominent Washington lawyer, said the proposed restrictions raise several constitutional questions. The blacklisting of the two arts groups, he said, runs afoul of the constitutional prohibition against "bills of attainder," or penalties exacted of specific individuals directly by Congress, instead of through the courts. The Helms provisions, Fitzpatrick added, are also unconstitutionally vague.

"It's completely unworkable," added John Walsh, director of the J. Paul Getty Museum in Malibu and president of the Association of Art Museum Directors. "Worse than that, it will result in a climate of intimidation, and you might as well call it repression. Who's going to decide what's 'indecent' or what 'denigrates the beliefs of a particular religion or nonreligion?'"

"If you look at his language and go through it," noted Murphy, "you can't have most operas. You certainly couldn't do Beethoven's Fifth Symphony or Ninth, because they are about war and might offend Quakers. You can't have an exhibition including work by Frederic Remington because it might be offensive to American Indians. You couldn't publish material that denigrates satanism or witchcraft. If you can't disseminate sex acts, does that mean Rodin? I can think of hundreds of paintings that denigrate objects or beliefs of a religion. You could not do most Shakespeare."

Helms and his supporters have argued, however, that placing restrictions on NEA is not censorship. Helms maintains that "a difference exists between an artist's right to free expression" and the right to public funding. Artists can paint and photograph and recite and perform what they please, the senator argues, but the public doesn't have to pay for it. (For the text of Sen. Helms' July 26 speech on the floor of the Senate in support of his proposed legislation see page 240).

Ironically, when the NEA was first established in 1965, language prohibiting it from interfering with the content of the art work it finances was included in the legislation largely on the insistence of conservative Republicans fearful of mainly liberal government control over artistic expression. Sen. Helms' amendment would modify that language.

While artists and arts supporters mobilized against enactment of the Helms legislation, Washington's Corcoran Gallery of Art also became a target of artists' wrath. The controversial Mapplethorpe exhibit had been scheduled to open at the Corcoran but was canceled June 12 out of fear the show would embroil the museum in the political battle over federal arts funding (see *Newsletter*, September 1989, p. 164). The Mapplethorpe show eventually was seen at the Washington Project for the Arts, where it attracted more than 48,000 viewers. It is scheduled to appear in Hartford, Connecticut; Berkeley, California; Boston and Cincinnati.

The Corcoran's last-minute cancellation may have saved the gallery congressional disapproval, but large segments of the art community accused the museum of knuckling under to know-nothings, censorship, and more. The gallery's reputation among many contemporary artists has never been lower.

More than a dozen artists — all scheduled to exhibit at the Corcoran in the 1989-90 season — took steps to boycott the institution. A major show of the work of Annette Lemieux, a contemporary artist, scheduled to open at the Corcoran on October 28, was "indefinitely postponed" after the artist notified the museum that she was withdrawing her work. Six sculptors canceled a show of their work that was scheduled to run from February 3 to April 8. A third group show involving both American and Soviet painters, organized by the Modern Art Museum of Fort Worth, Texas, also appeared in jeopardy.

"It's clear the Corcoran does not have the integrity to stand up for what they're supposed to be doing," said New York painter Ross Bleckner, one of the protesting artists. "If you choose to think an artist is important enough to warrant a show in your museum, then it is not appropriate to buckle beneath any political pressure swirling around."

Christina Orr-Cahall, the Corcoran's director who made the decision to drop the Mapplethorpe show, said that "we are certainly very unhappy with artists' decisions to withdraw. We would hope they would recognize that we were confronted with an impossible decision, and that they would show their art here as a way to involve themselves with the discussions now going on."

"This is what we feared from day one," Orr-Cahall continued. "We're in the middle of the storm. We are working hard to combat the Helms amendment. We're trying to deal with the imperiled situation that we see now, and which we saw in April and May. It is no longer business-as-usual anywhere in the art world, and certainly not at the Corcoran."

To help put the Corcoran back into play as a major arts showcase, some Corcoran curators and trustees proposed that the gallery mount a major exhibition on censorship. Such a show could conceivably include art by Mapplethorpe and Serrano. The idea was proposed at an ad hoc meeting of exhibitions committee members September 7. Plans for the exhibit were explored with an artists' and writers' collec-

tive in New York known as Group Material. Group Material received wide coverage last year for a four-part installation titled "Democracy" at the Dia Art Foundation in New York.

That idea, however, did not stem the growing tide of criticism, directed especially at Orr-Cahall. In early September, Jane Livingston, the associate director and curator who arranged for the Mapplethorpe show, resigned. Then, on September 22, Debra Shriver, director of public affairs and marketing for the gallery, and Kate Fralin of the public relations staff submitted their resignations. "It has been a difficult situation," Fralin said. "I personally don't feel I can really carry out the job I was hired to do." One day earlier, Franklin Kelly, the chief curator, approached Orr-Cahall on behalf of the museum staff and asked that she resign. She refused.

Another blow came in September when New York-based realist painter Lowell Nesbitt changed his will to withdraw a \$1.5 million bequest to the Corcoran Gallery originally made in gratitude for the role the museum played in launching his career. The artist said he had decided to give the cash gift and a donation of fifteen of his works to another undisclosed museum. "I feel what the Corcoran did was wimpy and totally unprofessional," he said. "They have betrayed the purpose of the institution."

On September 25, the Corcoran Gallery board of trustees postponed a vote on whether to ask for Orr-Cahall's resignation, but decided to appoint a task force to study staff morale. "Nobody pushed for a vote and it was decided to wait until our January meeting to review her status," one trustee said. "That is when we annually review senior staff positions."

"There was considerable criticism of Christina and much concern that the staff is so upset," reported another trustee. "She wasn't in there to make her report, so we don't know what she might have in mind." Orr-Cahall left the meeting when the board went into executive session.

Meanwhile, the struggle against the amendment was concentrated on the House of Representatives, where Rep. Sidney Yates (D.-IL.), chair of the subcommittee on interior appropriations, took on congressional leadership for the endowment defenders. Yates has described the Helms amendment as "clearly unconstitutional" and "an incredible hodgepodge of administrative barriers that would cripple not just the NEA but many agencies."

"The Communists tell their artists how they must think and what they must perform," Yates said. "Is that what we want too? I don't think so. For almost twenty-five years, since the endowment was first established, Congress has not directed what art grants must contain and not contain. We have studiously avoided any congressional interference or direction of telling artists, playwrights or any creative effort how they must think and what they must do."

The idea of instructing the conferees to "address" the Helms amendment was devised by Yates and Rep. Ralph Regula (R.-OH.) when they realized the strength of their opponents. "This vote only asks the conferees to address the

concerns of the Helms amendment," Yates explained, "which we will do anyway even if it weren't in the instructions."

In a spirited debate punctuated by laughter, applause and threats, members of the House debated the motion to instruct. Sen. Helms sent three placards showing the Mapplethorpe photographs, which were exhibited in the Speaker's Lobby. Rep. George E. Brown, Jr., (D.-CA.), who was serving as Speaker Pro Tem, ruled against taking the photographs onto the floor because they would "disturb the decorum" of the House.

Yates characterized the Helms amendment as "another form of death for the NEA." He said Rohrabacher "proposes a lingering death for the NEA which is unacceptable." In a fierce confrontation, Rep. E. Thomas Coleman (R.-MO.) glared at Rohrabacher and shouted, "Anyone who tries to characterize my vote as one for obscenity and pornography, you deal with me off the floor on that one."

In attacking the amendment, Yates said it "goes way beyond pornography and establishes a pattern of censorship." In an impassioned speech that drew applause from members of the House, Yates said, "Can you say anything against the Nazis under this bill?" He later characterized the Helms amendment as "the start of George Orwell's age," adding, "Is that the kind of censorship you want?"

Rohrabacher responded that the endowment had been guilty of "an obscene misuse of the tax dollars," and added, "We're here to pass legislation, not to pass the buck." After the debate, Rohrabacher said, "I'm sure the debate is going to leave the floor of the House of Representatives and is heading for the hinterland of America, where I think the people will have more common sense on this matter."

In a letter Rohrabacher sent to his colleagues, Paul Weyrich of the conservative Coalition for America wrote: "Make no mistake about it," if members vote against Rohrabacher on even a procedural vote, "we will alert our members that you are on record as supporting tax-sponsored pornography." After a previous House vote in July to strip a symbolic \$45,000 from the NEA's budget as an expression of opposition to the Serrano and Mapplethorpe shows, National Republican Congressional Committee chair Ed Rollins distributed press releases in the districts of representatives who voted against tampering with the endowment's funding. In the press releases, Rollins charged that each targeted member of Congress "voted to have Congress support sexually explicit and anti-religious works of art that are offensive to millions of Americans."

Initially taken off guard by the censorship offensive, arts groups mobilized support nationwide. "There are thousands and thousands of citizens and hundreds and hundreds of art groups around the country taking part in this lobbying effort," said Anne Murphy. "Our role is to spearhead it, give guidance, provide materials, come up with background information on the lay of the land and identify what needs

to be done. We get hundreds of phone calls a day from people asking what they can do to help, and I impress on all our member institutions that all lobbying is local."

"This isn't a time that anyone can relax, added Dean Amhaus of the Washington office of the American Council for the Arts. And John Hammer of the National Humanities Alliance said, "There is a concern that the kind of issues raised by Helms may be raised during reauthorization."

In San Francisco, a demonstration at the Federal Building August 6 savaged Helms' effort. Carrying blown-up pictures of paintings whose exhibition could be threatened by the Helms amendment, including "Birth of Venus" by Botticelli and "Rape of the Sabine Women" by David, about a hundred artists and sympathizers heard Marie Acosta-Colon, president of the San Francisco Arts Democratic Club declare: "I don't want Jesse Helms doing my work as an artist or an art administrator. He doesn't know a damn thing about it."

In Montana, the Montana Arts Council urged supporters to write to the state's congressional delegation urging support of NEA funding. In a letter to "friends of the arts," Julie Cook, director of artists services for the Council, wrote, "Senators and Representatives need to hear from constituents who value the NEA and federal support of the arts." Similar activities occurred nationwide.

In an op-ed piece for the *New York Times*, Timothy Healy, president of the New York Public Library and a Roman Catholic priest, wrote: "Literature and the arts, like scholarship, are essentially self-correcting. Give the critics and scholars time to do their sorting and, sooner or later, work that panders to titillation or debases human dignity will end up on the ash heap.

"We can hope that the conference committee will remind itself of the blessed restraint that government at its best can show. Even if the general thrust of the Helms amendment were a good idea, the specificity of its detail is likely to produce nothing more than almost endless litigation and interventions by the courts. . . .

"The arts have always needed patrons, and government can be a benevolent one. . . . In order for a government to be a good patron, it must keep reminding itself of its purpose: to let loose the creative strength of artists and writers and to make their work readily and economically available to as many as possible.

"Government aims in its subsidy of the arts to enhance the quality of life of the people, or, in more political terms, to foster an educated citizenry. That is a great national good. Government cannot at one and the same time seek that good and then put it at risk by however righteously conceived censorship."

"I've been disappointed at the debate thus far," commented Jack Duncan, special counsel for national policy for the American Council for the Arts. "At this point, I don't know whether members of Congress are going to be

what Helms said

Sen. Jesse Helms delivered the following speech on the floor of the Senate on July 26.

Mr. President, I believe we are all aware of the controversy surrounding the use of Federal funds, via the National Endowment for the Arts [NEA], to support so-called works of art by Andres Serrano and Robert Mapplethorpe. My amendment would prevent the NEA from funding such immoral trash in the future. Specifically, my amendment prohibits the use of the NEA's funds to support obscene or indecent materials, or materials which denigrate the objects or beliefs of a particular religion.

I applaud the efforts of my distinguished colleagues from West Virginia, Mr. Byrd, and from Idaho, Mr. McClure, to address this issue in both the Appropriations Subcommittee on the Interior, and the full Appropriations Committee. Cutting off funding to the Southeastern Center for Contemporary Art [SECCA] in Winston-Salem and the Institute for Contemporary Art in Philadelphia will certainly prevent them from misusing Federal funds for the next 5 years. However, as much as I agree with the measures, the committee's efforts do not go far enough because they will not

(continued on page 250)

cowed, whether we're entering a new McCarthy era or whether people will be willing to stand up and challenge this kind of demagoguery.

"Even if we're able to get this language removed, is the mind-set [of intimidation] already there? Are people scared to make choices? Have we created an atmosphere where people are going to be cowed into doing what these people [Helms and other conservatives] want? That's the scary part." Reported in: *Albuquerque Journal*, August 13; *Buffalo News*, July 30; *Ft. Worth Star-Telegram*, September 14; *Helena Independent-Record*, July 28; *Los Angeles Times*, July 28; *New York Times*, August 29, 31, September 14, 15, 26; *Oakland Tribune*, August 7; *Philadelphia Inquirer*, September 10; *USA Today*, September 12; *Washington Post*, August 30, September 11. [As this *Newsletter* issue went to press, House and Senate conferees agreed on a compromise barring NEA support for "obscene" art only, thereby gutting much of the Helms amendment. But many observers feared the compromise might still encourage self-censorship. Details in the next *Newsletter*.] □

What about black women when slavery was over? A few black men went to court to deny their slave marriages. "Now why should this woman expect me to support her children, when it was a slavemaster who made me live with her? I had no choice; the children were his property." And the slave woman who had actually borne children by her owner—well, the law considered it would be insulting, humiliating, and dangerous to his white wife's family for colored children to legally lay claim to their father's property. And yet, they also considered—the lawmakers—that it would be unfair to stigmatize the emancipated slave woman and label her children illegitimate. So they passed a law—supposed to be generous, but the only such law passed for any women in the USA—All children born of a slave woman shall be the legitimate children of *the mother only*.

But back to the written word. After slavery came Jim Crow—segregated life. The term "Jim Crow" is said to have been inadvertently started by a white actor named James Rice. He had a black, crippled servant named Jim Crow whose gait somewhat resembled a sort of dance step. James Rice, the comedian, blacked his face and imitated this step while singing, "I wheel about; I turn about; I do just so. And every time I wheel about, I jump, Jim Crow." And that's how the word started.

During the Jim Crow era, before the turn of the century, a writer's agent in New York thought it would be a unique thing for two writers, one black and one white, to go on a platform tour, each reading his own work. He selected two of his own clients to break the interracial taboo. Paul Laurence Dunbar, the black poet, had written many beautiful dialect poems about black slave family life, showing how deeply the slave mothers and fathers loved their children. "Little brown baby with sparklin' eyes, come to your pappy and set on his knee. What you been doin'?" Makin' sand pies? Lord-a-mercy, you's as dirty as me." The white poet was a novelist and short story writer named Mark Twain, author of *Huckleberry Finn*. They shared the same agent. And so they went on concert tour, but had to discontinue appearances because of mob threats for appearing and reading on the same platform and being of different races. Paul Laurence Dunbar, when he could get no one else to publish him, got the Wright brothers, Wilbur and Orville Wright, to put aside their mechanical work—they were self-made printers before the Kittyhawk experiment—to use their homemade printing press to turn out his first printed work.

There is so much more, so long ago and far away, but these few facts were found by painstaking, picky, slow research that is no part of our regular courses of study. I bring them out of the past to give a brief idea of the black experience with censorship. According to an old spiritual, I am saying, "Oh, Lord, I ain't no stranger here."

In more recent times, back in the '70s, seven members of the Island Trees School Board at Levittown, Long Island, voted to remove from the shelves of the district's junior high school and high school libraries nine books: *The Best Short Stories By Negro Writers*, edited by Langston Hughes (one of my stories was included in that collection); *A Reader for Writers*, by Jerome W. Archer; *Slaughterhouse Five*, by Kurt Vonnegut, Jr.; *The Fixer*, by Bernard Malamud; *Go Ask Alice*, whose author is anonymous; *The Naked Ape*, by Desmond Morris; *Soul on Ice*, by Eldridge Cleaver; *Down These Mean Streets*, by Pirie Thomas; and *A Hero Ain't Nothin' But a Sandwich*, by Alice Childress. *Laughing Boy*, by Oliver LaFarge, was placed back on the shelves; while *Black Boy*, by Richard Wright, was placed on a restricted list. Steven Pico and several other white high school students were so outraged by this action, they sought the help of the American Civil Liberties Union and went to court to sue for the return of the books to the Island Trees High School library. The National Coalition Against Censorship, of which I am now a Council member and advisor, also helped to a great extent. Steven Pico and company sued for the return of the books to the Island Trees High School library. Well, some students fell by the wayside and wearied of the struggle, but Steven Pico stayed with it—a high school student—and the case reached the Supreme Court after he graduated from college.

All works were returned to the library. All of the books had passages cited by the school board as to why each book should not be in the library. Since *A Hero Ain't Nothin' But a Sandwich* was a book about drugs invading our youth, I thought some four-letter words were the cause of its being cited. I had visited rehabilitation homes, from Daytop Village in New York to Tarzana in California, where very wealthy children were going through rehabilitation, and found a common language use that was very bitter and angry and vitriolic; I cleaned up what I heard.

But around the drug experience, which has made deeper and deeper inroads into the life of this country, there seems anger on the part of the sellers, the users, and families who have been hurt. So I figured I had it figured out—language. But I know it now, by heart, the passage they cited as the reason the book should not be on the shelf. A black teacher, teaching in Harlem, in my story, says, "When I first came to this school," (which is an all black school in Harlem, due to location) "there were only two pictures on my wall; one was of George Washington, and the other Abraham Lincoln." He said, "Now, Abe Lincoln had to do with the emancipation thing, but I can never start teaching without explaining that George Washington was a slave holder who owned 200 slaves, and had it written in his will that they were to be freed after his death. (An aside—you know, while George Washington was getting older, so were the slaves.) But he broke his word and freed only one, while he was living—a black woman who was a cook. She sure must have known how to barbecue!" Well, that was the objection—

that I spoke about a founding father in a flippant way.

They were setting guidelines for young people's—*young adults*' , not intermediate or younger—literature that there shall be no passages in a public school library book critical of any founding father. Thurgood Marshall questioned the charge. "You mean, it shouldn't be mentioned that he had 200 slaves?" All the works soon were returned to the library.

Now the return of the books is not to be confused with the quality of writing or the value of any book. Censorship is the question. We all have seen approved books and plays and articles which we believe should not have been approved or selected; I have, I'm sure many of us—all of us—have. However, it seems that censorship has never made us happier or smarter. But the written word does carry tremendous power. It has been used to attack and demean good values. Does the fight against censorship mean we give up our best thinking and our dearest values in the name of freedom? Many of his own people disagreed with Martin Luther King's passive resistance. Once King preached, "Love those who spitefully use you." And one of his followers said, "I don't believe I can love someone who abuses me." And King replied, "I said, *love* them; I didn't say *let* them." He spoke of passive resistance as opposed to *passive acceptance*. There are many of all races who passively accept wrong; they lack the courage of peaceful passive resistance, and outright war kills off losers and winners on all sides.

Too often the written word has been—is—used to attack by mean ridicule and benign condescension. The black child has been "fondly" presented as perpetually comical, stupidly cute and happy, and those adults and young people playing that role in real life have often been more readily accepted and financially rewarded by society because they represent passive, pleased, happy, acceptance of the status quo. The vicious interpretation of any people is eventually harmful to the attacker as well as the attacked.

But can anyone protect our children through censorship of books—not selection, but censorship? Are we ready to replace—to supplant—teachers, librarians, and writers, flawed as they may be, with various committees and self-appointed private censors? The demerits of a book cannot be a certain measurement for banning, because opinion tends to vary according to background and life experience. Censorship means—it intends, at its best—to correct wrong thinking, but it is too frequently used to dismiss ideas we most cherish, while accepting those we detest. Some decisions are not easy, and Shakespeare's "To Be or Not To Be" applies to all questions. Many answers call for closer examination. We need to be more critical of ideas and theories presented—more critical. Will the continued struggle against book censorship leave us without standards? Will our children be helpless victims of racist books or pornography, violence, murder, false history, and deliberate distortion? Unfortunately, we are all faced with contradiction of fact and fancy in our society. A lack of censorship in our school libraries need not imply acceptance or appreciation of works which clash

with our sense of integrity.

In Savannah, Georgia, a white school teacher was cited by a school board for recommending my book, *A Hero Ain't Nothin' But a Sandwich*, to her class. Her principal read the book and then approved it, but the board went to court to establish their right to remove it. The court returned the book to the shelf. The board's defense was—"but this was the first book they had banned since *Catcher In The Rye*." A Providence, Rhode Island, school board went to court about removing *A Hero Ain't Nothin' But a Sandwich*. The district judge found that none of them had read the book, and he ordered them to read it before proceeding further with the case. Well, some had heard that the movie, "A Hero Ain't Nothin' But a Sandwich," (I had also written the screenplay) was playing in Boston. They hired a bus and went to see it, so they wouldn't have to read the book. Fortunately, they liked the movie and did not see that the content was of any harm to children. One board member said he hated censoring—he was a postman—and he suggested that perhaps public school libraries should contain only textbooks and leave all fiction to the public library.

Going in another direction, in one portion of *When the Rattlesnake Sounds*, an illustrated play (now out of print) for young people about Harriet Tubman, the ex-slave who was a conductor on the underground railroad sings a bit of the spiritual, "Oh Lord, I don't feel no ways tired." In order for it to go into a textbook—it was taken from the original book and they wanted school children to read this play—I had to change "Oh, Lord."—They changed it for me—to "Oh, *now*, I don't feel no ways tired," so that I would not speak of any particular religion or religious group. They changed the spiritual. And I allowed it when I thought of thousands of young people who would get a chance to play Harriet Tubman and do the role.

My television play, "Wine in the Wilderness," was banned in Alabama, along with several other works to be shown on public television, because it was set in Harlem during a riot in the '60s. One listener addressed the federal government in protest of the censorship, deeming it might harm listeners. I paraphrase. . . "If it didn't harm the fellow who viewed and censored it, how will it harm me?"

"Wedding Band," in 1973, was presented on national television prime time, 9-11 p.m., on ABC. I wrote the television version of my play. It was produced by the New York Shakespeare Festival and directed by Joseph Papp. Only 8 of 168 local stations banned the showing because of its subject matter, but 3 of them allowed it to be shown after midnight. That was the ruling for South Carolina. The story concerned an interracial, illegal love affair of a black seamstress and a white baker in Charleston, South Carolina, during World War I and the influenza epidemic. All that I have ever seen of interracial anything in movies was about the upper class white and his lady on the side, or something, but ordinary people were not touched upon. "Wedding Band" examined the lives of a black soldier serving in the Jim Crow

army and members of the black and white community of the city of Charleston.

I have not avoided controversy. I have had the good comfort and counsel of my editors, the late Ferd Monjo and Refna Wilkin today. My play, "Gullah," in the late 1970s, was presented for 120 continuous performances by Stage South, the South Carolina State Commission on the Arts, all over that state—in schools, prisons, theaters, and rural communities. Out on John's Island, where a professional play had never been presented before, it was the first they ever saw and it was about themselves, brought to them by their state commission on the arts.

The mayor of Columbia declared Alice Childress Week, and in Charleston, the week before Christmas was declared Alice Childress Week because she is "a true daughter of South Carolina." Last year, the City of Charleston presented me as a guest speaker at their Southern Writers Convention. And just before Christmas they had me back to instruct 25 different high school classes on writing and acting as a part of a program titled "In Your Own Write." My study room was in the historic Dock Street Theater, the oldest theater building in the United States. The city bussed classes to me, five a day, for five days. The Dock Street Theater—once Jim Crow-taboo territory to me, my mother, grandmother and great grandmother, Annie Campbell—needed me and valued, at last, my contribution.

Columbia's largest theater group presented my play, "Wedding Band," and Atlanta, Georgia, which had once prevented a production of "Wedding Band," lit up the airport with their large electrical sign, "Welcome, Alice Childress," and presented the play at several of their large theaters. In New England, the Radcliffe Graduate Society, in 1984, presented me with an Achievement Medal for Integrity of Work. Through the nomination of writer Tillie Olson, in 1966, I received a Harvard appointment to the Radcliffe Institute for Independent Study, free to draw any books from the precious book stacks and to audit any Harvard or Radcliffe courses offered, with consent of professors and instructors. I graduated in 1968, even though I had never finished high school.

It all started with my grandmother, Eliza. "Write that down; it's worth keeping. Set it all down." But no honors have meant more than those won in Harlem and Bedford-Stuyvesant through the recognition of black colleges like Clark and Spellman, the Harlem School of the Arts, the Black Filmmakers of America, book nominations and awards. Many other people suffered through centuries to make these things possible; it is their harvest I receive. Most black writers do not come from the middle class. We were raised of necessity within inner cities of America. And most of us can trace our beginnings back through slavery and find African identification. We write often in anger and defiance, but the bluest of our writing, the angriest of our themes, have *denounced* evil in graphic terms, and not taken the side of evil. Certainly we do not need to have teachers present all

works—especially those with ugly words—as a read aloud lesson, word by word, but reading and writing reports should be made possible. Criticism and evaluation, confrontation and debate can be the order of things in education.

We speak of protecting our children. Consider how often they protect us. Think of the evening television news, the parade of murder victims and perpetrators we see nightly, the drug offenders, criminals of all kinds. Consider the stories of jails too full to hold all the people waiting to serve time. We watch the criminals being led away and hear the terrible charges. Try to remember; they leave children behind. There are children hidden in almost every story—little children, school children, who do not show and tell. They never tell us, "My father (or mother) is in prison." They sadly or sullenly protect family secrets; often school and church know little of the child's secret knowledge. I have conducted classes in grade schools. For 20 years, little sessions, worry sessions, were opposed; now they are being done as a sort of new discovery.

As a child I worried a great deal, yet people always say, "Oh, be a child; remain a child; you'll be grown soon enough." Children don't know what worry is about. But children do worry. I didn't know to what extent. I told children first of my worry when I was in school, worrying about not having what other children had—carfare to get me to school all the time. I worried about not having the better clothing that other children wore, and that gave me an inferiority complex. I didn't call it that at the time; I just didn't feel right. As an adult, I asked my young audiences—"Do you ever worry?"

Slowly their hands went up, "I worry." I said, "Oh, tell us, what do you worry about?" One boy said, "My father was shot in the eye and I worry about that." I said, "How sad. What happened to him?" He said, "He died." And another one told us, "My uncle was shot; he died." I couldn't ask them, I didn't ask them, the whys and the wherefores; I was so surprised. Another boy said, "I worry because whenever my mother goes out, I'm afraid that will happen to me if she doesn't come back. I go and look out the window late at night, and I stop worrying when I see her coming in the house." One said, "A man offered me drugs, and I ran away from him, and I'm worried that I might see him again around the block." "Did you tell your parents?" "No." "Why?" "They might get in trouble about it."

After these children in the 4th and 5th grade made their confessions, I was afraid they'd be teased and harrassed about what they had confessed publicly. I said, "How fortunate you are that you're in a class of understanding young people who care about each other, and are sensible enough to know and to comfort and listen, learn and appreciate what you have been through. The more trouble you go through, very often the stronger person you will become."

Those who write about sex often hear, "Sex should be taught at home." Well, that's never said about math and science, not even spelling, but I guess all homes are expert

on the topic of sex. There is an anti-mother picture perpetuated all over the country through mass media and private conversation—the tired jokes and serious ridicule of mothers and mothers-in-law. But so far, it's the only way we have found to get into this world—through a woman. As long as we ridicule her, I wonder why we're astounded that some want or feel a need for abortions. The way to sound sex education and away from using abortion loosely as a means of birth control is to respect and treasure people, even those who are floundering and haven't quite found their way. Very often men say that if women carried themselves better they would be respected. However, a woman should be able to walk down the street, stark naked, and no one put their hands on her. She may not be in her right senses, but we should be in ours enough to mind our own affairs. Sex and race supremacists may feel as superior as they wish to anyone in the world. That's their right, to feel according to their own feelings. But when they reach out their hands to harm anyone, that's where they've carried their inner feelings too far. However, that's not a matter of censorship.

Writers for young adults and children realize that children do not buy books—at least, not many. Some writers won't trust to write about so-called controversial subjects. Writers want their books to get over. What good is your best work if educators and parents are afraid to be identified with difficult subject matter or fear to stand up for its right to be written? My latest book, *Those Other People*, leaves the inner city. I decided to look at mainstream America, white and black. I avoided blue words in order to help, I think, those who fear that truthful language bars the way to selecting young adult books. But it's controversial enough in itself for one reviewer to say, "I felt troubled because it's dealing with racism, the question of homosexuality and child molestation, all controversial subjects. I went to my principal and asked what he thought. And he thought we'd best not have that book here to be read."

Too many writers are self-censoring, correcting and changing their work. I think that we do have a right—every parent, every concerned person—to *speak out* against what we don't like and certainly anything we think is harmful to children. But book burnings have been going on, and banned books have reached about 5,000 that we know of. In the language of banning, there are books that are banned and those that are challenged—those they wish to ban, are trying to ban. One senior citizen group in the midwest said, "We'll burn books for you; anything not fit, send it to us and we'll make a bonfire." And they did. One school banned all of Shakespeare except *Romeo and Juliet*. Another banned only *Romeo and Juliet*, because, they said, "The nurse in *Romeo and Juliet* is not a good role model, because she passed notes between Romeo and Juliet and set up meetings for them. This is a poor role model for children, so we will remove *Romeo and Juliet*." In a sense, if this is their argument, they're right. If *Romeo and Juliet* had never been written and we had a modern Romeo and Juliet story where the

house maid or the governess was passing notes, this would apply. It would readily not be passed today, so it is fortunate that it was written before our time. We would be left without that beautiful play.

Doing without censors will place the burden of thought and choice fully upon our own shoulders. Without censors we may have more rather than fewer confrontations, and that's good. It won't be easy, but we should keep trying to preserve the freedom to read and write. Meanwhile, let us use our public school libraries. Millions of books are available; some are great; others may be mediocrity in disguise. Remember, there are no commercials or station breaks, happily, in a book. You are in charge. You run the show. Let's work to keep it that way.

The black writer has been singled out very often, to get more than 10% or 20% censorship representation—50% or more. Very often those books are out of the inner city subject matter. I brought you the story of worrying children. There are other children who don't worry, maybe, or not in that painful way. All are not exposed to the same kinds of hardship. There are some white children who have been exposed to severe hardship and pain, but have been taught to be ashamed and mute about suffering because they're white and more opportunity is open to them. They have little or nothing in common with other youngsters. Children are growing up in cruel times.

I have been to a great many places in the world because I wanted to see how other systems work. . . . But, I haven't found any place I'd rather live than right here, and I look forward to doing my best to making where I stand a better place. It's time to change the old saying, "If you don't like it here, why don't you go to some other country," and so forth. Rather, let's say, "If you don't like it here, why not make it better?" Thank you very much. □

**SUPPORT
THE
FREEDOM
TO
READ**

(Rev. Wildmon . . . from page 213)

unable to secure the backing from larger, more established groups that he would need to launch a national campaign. He began to think that his future might lie in another direction. He ran for a seat in the Mississippi House of Representatives in 1980 but finished a distant third, garnering only 921 votes or 15 per cent of the total cast.

A month after his defeat in the Mississippi House race, Wildmon made another effort to win backing for his advertiser boycott. He met with the Rev. Jerry Falwell in Lynchburg, Virginia. Falwell, the leader of The Moral Majority, was then at the peak of his career as a spokesman for the religious right. As Wildmon later told the story, he held up before Falwell a dollar bill. "The networks don't care about your moral values, but they do care about this," Wildmon told him. According to Wildmon, Falwell didn't require much persuading. "Great," he said. "Let's go with it." Wildmon said later that he believed he had reached a turning point. As he sat in his motel room that night, he was sure of victory. "Now I have the numbers," he recalled thinking. "Now I have the clout. After three years of wandering in the wilderness, I've found a road to the Promised Land."

Two months later, in February 1981, Wildmon announced the organization of the Coalition for Better Television (CBTV), the group that would bring him national recognition. His alliance with Falwell enabled Wildmon to claim that CBTV represented 200 organizations with a combined membership of over 3 million. These three million people were prepared to back a boycott of the three advertisers who sponsored the worst programming on television, he announced. The targets of the boycott were to be selected following three months of monitoring by 4,000 members of the coalition. The monitors would catalogue the offending shows on the basis of "sex incidents per hour," scenes of violence and uses of profanity.

Few people outside of employees of the television networks and, to a lesser extent, the advertising industry, attempted to answer Wildmon. One of them was Peggy Charren, president of Action for Children's Television, a strong critic of the networks. Charren accused Wildmon of wanting to censor television. Sex, violence, and profanity were only the beginning, she warned: "What will be the next target of the CBTV's censorship crusade. A production of 'A Streetcar Named Desire?' A documentary on teenage pregnancy. The News?" For the most part, however, the networks were forced to defend themselves.

The networks struck back in the final weeks of the CBTV rating period by releasing the results of public opinion polls that showed the public opposing the boycott. A poll commissioned by ABC showed that 64 per cent of those polled believed that the popularity of a program should be the sole factor in determining what was on television. Only 1.3 per

cent said they would consider backing a boycott. The poll also showed that Falwell and Wildmon had little support among their own constituents. It revealed that 55 per cent of those identifying themselves as members of The Moral Majority opposed efforts to force their opinions on others. CBS News reported that one third of the organizations listed as sponsors of CBTV disavowed any connection with the group.

Nevertheless, CBTV was beginning to harvest the fruit of its campaign. Advertisers had begun to crack under the threat of the impending boycott. The first important convert to the cause of CBTV-approved television was Owen B. Butler, the chairman of Procter and Gamble Company, the company which spent more on television annually than any other—nearly \$500 million. In a speech to the Academy of Television Arts and Sciences on June 16, Butler announced that his company had withdrawn advertising from 50 television shows over the past year. Butler denied the company had been responding to pressure from Wildmon, but he left little doubt that Procter and Gamble would take his advice in the future:

We think the coalition is expressing very important and broadly held views about gratuitous sex, violence and profanity. I can assure you that we are listening very carefully to what they say, and I urge you to do the same.

Television and advertising industry officials were shocked by Butler's admission. Charren had been expecting it. "Based on what TV advertisers did during the red scares of the 50's, this is exactly what I expected," she said.

Wildmon knew that he had Butler's ear. In remarks to reporters later, he revealed that Procter and Gamble had been speaking with CBTV for some time. "We've had dialogues with P&G over a period of many months," Wildmon said. Nor was Procter and Gamble alone in seeking an accommodation with Wildmon. On June 26, the *New York Times* reported that several television advertisers had been invited to a meeting with CBTV officials "in the Memphis area." Wildmon confirmed that discussions were under way to reach a compromise that would prevent a boycott. Wildmon told the Associated Press that the boycott threat was having a decided effect. "I've talked with six advertisers in the last week who have pulled 150 commercials off the air in the last four months," he said.

On June 29, at a CBTV press conference that had been scheduled to announce the start of the boycott, Wildmon announced its cancellation. With Falwell and Phyllis Schlafly of the Eagle Forum looking on, Wildmon told the press that the boycott was no longer necessary because in their meetings with CBTV officials, advertisers had promised to help "clean up" television. Wildmon refused to identify the advertisers who had made these pledges. While he professed himself satisfied, Wildmon warned that CBTV might institute a boycott in the fall if the shows premiering then were objec-

tionable. Falwell said his organization was "raising funds for a war chest to buy and assist others in buying full-page ads across the nation naming public enemy No. 1 or 2 or 3 or whoever they are and listing their products."

Skeptics raised questions about the decision to cancel the boycott. They suggested that the networks' opinion polls had trumped Wildmon. They said he was afraid of losing. "Let me tell you something," Wildmon said, replying to his critics. "I was raised to know that it was not a disgrace to fight and get whipped." But, Wildmon had at least won a moral victory. The chairman of one of the nation's biggest corporations had promoted his views as important for the nation. Even those who opposed his tactics endorsed his claim that television needed better programming.

But, "better programming" is a subjective judgment. Wildmon insisted that his opposition to shows was based solely on objectively measured levels of sex, violence and profanity. When Wildmon objected to a show because of its sexual content, however, it was not always because it was prurient but often because it presented sex in ways he disliked—outside marriage, between teenagers or partners of the same sex. He also opposed the mention of birth control, abortion and, later, AIDS. His criticism of profanity often had more to do with the offensiveness of the subject of discussion than the use of vulgar words. Wildmon's condemnation did not stop at shows like "Vegas" and "The Dukes of Hazzard," but extended to programs dealing with adult themes like "All in the Family," "Taxi" and "WKRP in Cincinnati."

Wildmon's extremism clearly guided his attacks on programming during the balance of 1981. He was particularly unhappy about NBC's decision to develop a series based on a movie about an aging homosexual who permits a young woman and her daughter to move in with him. Wildmon, who saw the show as an attack on the institution of the family, said it was "utterly stupid" for NBC to undertake the series at the very moment when concern about television was at its peak. Tony Randall, the star of the proposed series, "Love, Sidney," defended his show. "It's about compassion. It's about love. It's about the need people have for family. And they're saying it's anti-family," Randall said. As the preemptive strike on Randall's show indicated, Wildmon was not waiting for shows to be aired before attacking them. Wildmon condemned a fictionalized treatment of the series of murders of black children in Atlanta before the producer had decided to go ahead with the project.

Wildmon's pose as a moderate was undermined later in the year when some of his followers pushed his views about sex on television to their logical extreme. He was forced to apologize to Phil Donahue, the talk show host, for a release issued by one of the chapters of his National Federation for Decency that described Donahue, whose show had won nine Emmy awards, as a "sex activist broadcaster." The release said many of Donahue's "sex shows" promoted abnormal sex and threatened a boycott of Donahue's sponsors. In an

appearance on "Donahue," Wildmon apologized for the release. He admitted that a program on breast-feeding should not have been characterized as a "sex program." But, Wildmon soon resumed the offensive, insisting that his monitoring showed that almost half of Donahue's shows dealt with sex. He charged that some urged acceptance of sex practices contrary to traditional Christian morality.

Wildmon's appearance on "Donahue" showed how far he had come from Southaven, Mississippi. The threat of a boycott had given him national exposure. Now he was anxious to see what an actual boycott would achieve. In late 1981, Wildmon decided that the networks had not met his demands and that a boycott would be necessary after all. But, just as Wildmon was preparing to realize his dream, Jerry Falwell withdrew his support for the tactic of boycotting advertisers. The division between Wildmon and Falwell had first become apparent in a television documentary, "Eye of the Beholder," broadcast in late 1981. It was this documentary that first reported Wildmon's determination to proceed with the boycott. It also revealed that Falwell was having second thoughts about boycotts against advertisers. He appeared to take to heart the survey results released in June that showed his own followers rejecting efforts to force The Moral Majority's views on others. Falwell told the interviewer that The Moral Majority had raised \$2 million for the boycott but then suggested that his group would not back coercive efforts to change programming. The Moral Majority's resignation from the boycott was confirmed by a spokesman for the group in late January 1982. "Our feeling is that the networks are headed in the right direction," he said.

In the absence of The Moral Majority, Wildmon changed his plans. Falwell had promised \$2 million for publicity for the boycott before he backed out, and publicity was critical because the boycott depended upon the consumer's ability to recognize the target's products in the market place. Lacking funds, Wildmon abandoned the proposed boycott of advertisers. At a news conference in February 1982, he announced a boycott against RCA, the owner of NBC.

Wildmon also revealed new demands. "Our concerns have been too narrow and will be expanded," he explained. "Our concerns about sex, violence and profanity in programs is valid, but there will be more. We're going to surprise some people." He demanded changes in the way NBC handled 11 subjects. Besides less sex, violence and profanity, he wanted less drug abuse and "racial and religious stereotyping." The network would have to make an effort to portray life as it was lived by Christians, Wildmon said. "RCA-NBC has excluded Christian characters, Christian values and Christian culture from their programming," he charged. Wildmon also wanted to see an improvement in the portrayal of American business. Wildmon claimed that business executives had been painted as "crooks and con men."

During his news conference, Wildmon had demonstrated again that he was not reluctant to criticize a popular show

by singling out for attack NBC's award-winning dramatic series, "Hill Street Blues," which he said was full of sexual innuendo. Several months later, he showed that he was not afraid to attack a show with serious artistic intentions as well. NBC was preparing to broadcast a movie that had been written by the poet Maya Angelou. "Sister, Sister," was the story of how three black sisters in North Carolina resolve the differences that separate them. Wildmon had not seen the movie. Apparently reacting to a part of the story in which a minister committed adultery and stole the church receipts, Wildmon claimed that "negative stereotyping of people identified as Christian in the film is an example of a continuing trend by RCA-NBC and an example of anti-Christian, anti-religious network programming." The advertisers responded to his complaints: 12 of the 28 sponsors asked to see the program again, and one sponsor, Kodak, withdrew its ads after determining that the film was not sufficiently "family-oriented." Author Jessica Mitford rejected Wildmon's criticisms in a letter to *The New York Times*. She pointed out that "Sister, Sister" was the type of program that Wildmon had formerly said he approved:

Psychological drama of the highest order, "Sister, Sister," achieves a stunning breakthrough as a sensitive portrait of a three-dimensional, non-stereotypical black family. No wild car chases, no prostitution, no drugs, no teen-age crime — in short, no sex or violence (sorry about that Mr. Wildmon).

Wildmon had revealed himself for what he was: a Christian minister who believed that television should reflect his own world view, including his high opinion of Christian ministers. He had also shown himself as a man with an insatiable appetite for change, one change making him hungry for the next. He lost the support of many who had formerly sympathized with him. A day of reckoning was fast approaching.

Judgment day fell at the close of the third quarter of 1982. RCA reported earnings that demonstrated that Wildmon's boycott had not had an effect. Third quarter earnings were \$47.6 million, an increase of \$152.4 million over the third quarter of 1981 when the company had shown a loss. Wildmon replied by pointing to RCA's weak consumer products division, insisting that this was the part of the corporation most likely to be hurt by the boycott. But, if Wildmon had won a moral victory over the networks in 1981, there seemed little question that he had been defeated in 1982. By early 1983, "Love, Sidney," the series starring Tony Randall that Wildmon had attacked before its premiere, had become a success and was inching closer to acknowledgment of Sidney's homosexuality. Before it had become the target of Wildmon's boycott, NBC had prevented Randall from striking back at Wildmon. Now, Randall dismissed Wildmon as "that ignorant, cynical, Bible-thumping ass in Mississippi." There was no lightning.

For his part, Wildmon had dropped any pretense of being a reformer. He no longer accused the networks of using sex, violence and profanity to gain ratings. The problem with the

networks was that they were dominated by a "humanist" view of society. "The humanist point of view is that man came from nowhere, is going nowhere and has no responsibility to others," Wildmon said. Wildmon professed himself an apostle of the Christian view. "The Christian view is that man was created by God and that there's somewhere to go — heaven or hell — and some moral absolutes and moral guidelines to follow," he said. The conflict between the two was irreconcilable. "You have a clash of two distinct value systems," Wildmon said. The networks were trying to remake society in line with humanist values. Wildmon acknowledged that they were winning. "I don't think we have more than five or six years left to stem the tide," he said. "Television is the most destructive force in our society." It was clear that if Wildmon were in charge, television would be dominated by Christian values.

After the failure of the RCA boycott, the Coalition for Better Television lapsed. But, while Wildmon had returned to obscurity, he had not abandoned his ambition to strike a devastating blow at the "humanist" media. He travelled tirelessly in an effort to make his National Federation of Decency a grass-roots organization. The major publication of his organization was the *NFD Journal*. The *Journal*, which has changed little in its twelve-year history, carries detailed criticism of individual television shows and lists the names and addresses of their sponsors. Its columns explain the demise of American society as the result of divorce, women in the work force and other factors that are weakening the traditional family. It frequently attacks birth control and abortion. Nevertheless, the tone of the magazine is set by the somewhat lurid descriptions of crime that can allegedly be attributed to pornography, television or movie violence and rock and roll music. The April 1989 *Journal* carries a story in which a mother blames the rock band the Grateful Dead for the drug abuse problem that led her son to take hostages and be killed by the police.

Wildmon knew that organizing local chapters of the NFD would occur more quickly if the organizing occurred within the context of a larger campaign. In 1984, the NFD began a fight to ban *Playboy* and *Penthouse* magazines. As always, Wildmon's tactic was not to attack the producers directly. He tried to strangle the magazines' circulation through boycotts aimed at chain stores, including drug and convenience stores, where they were sold from "blinded" racks behind the counter. He returned to the picketing tactic that he had used against Sears, sending demonstrators to 7-Eleven and other stores. While Wildmon experienced some success against the smaller chains, the Southland Corporation, which owned 7-Eleven, and most major chains held firm. Wildmon campaigned for two years with meager results.

Wildmon's return to national prominence was largely the result of actions taken by the national administration in Washington. Wildmon and other "anti-pornography" activists had strongly supported the candidacy of Ronald

some censors speak out

"I thank God for you as my Christian partner, to help our nation's 44,000,000 helpless children, being exposed to school programs so similar to occultic witchcraft practices you couldn't tell the difference — open sexuality, drugs, and suicide." — *Bob Simonds, President, National Association of Christian Educators and Citizens for Excellence in Education.*

"The fruits of this God-denying teaching [i.e., the theory of evolution by natural selection] are lying, cheating, stealing, promiscuity, chemical abuse, suicide and crime of all sorts, including the Holocaust." — *David Muralt, Texas Director of Citizens for Excellence in Education.*

"I don't have any good words about the public school system. If it weren't for the Christian school system, this country would have gone to hell in a hand basket." — *Rev. Jimmy Swaggart, National Broadcasters Convention, Feb. 6, 1986. Reported in: Missouri Coalition Against Censorship Newsletter, June 1989.* □

Reagan because, among other things, they believed that he would take strong measures to curb sexually explicit material. They were disappointed when Reagan took little action during his first term. Wildmon and other advocates of stricter censorship visited Reagan following his reelection to urge him to fulfill the promise of his conservative "social agenda." The result was the appointment of the Attorney General's Commission on Pornography in 1985. The partisans of the new commission were eager to see it rebut a previous commission's conclusion that sexually explicit material was not harmful to adults. The 1970 report by the President's Commission on Obscenity and Pornography recommended the abolition of obscenity laws. With the appointment of what became known as the Meese Commission in 1985, the anti-pornography activists acquired an important vehicle for their opinions and Wildmon found another national forum. The Commission was chaired by a former prosecutor who had made his reputation by prosecuting adult bookstores and movie houses.

Wildmon did not waste his opportunity. At a public hearing in Los Angeles in October 1985, Wildmon told the Meese Commission that it must attack not only organized crime, reputed to be the major producer of hard-core obscenity, but also major corporations that were involved in the sale of non-obscene, First Amendment-protected material with sexual content. "The general public usually associates pornography with sleazy porno bookstores and theaters," Wildmon said. "However many of the major players in the game of pornography are household names." Wildmon then pro-

ceeded to name names. Of course, the Southland Corporation was at the top of his list. But the list of 23 corporations that Wildmon alleged were involved in "pornography distribution" included CBS, Time, Ramada Inns, RCA, Coca-Cola, three national distributors of magazines and 11 chain stores, including Rite Aid, Dart Drug Stores and National Video, a chain of video stores.

Wildmon's testimony before the Meese Commission became national news when, without being identified as coming from Wildmon, it was incorporated into a letter that the Commission sent to the corporations named by Wildmon. The Commission informed the corporations that Wildmon's characterization of them as "distributors" of "pornography" would be included in the Commission's final report. They were invited to reply to the charge of their anonymous accuser. Instead, several lawsuits were filed to force the Commission to withdraw its letter. Among the plaintiffs filing suits were the American Booksellers Association, the Council for Periodical Distributors Associations, and the Magazine Publishers of America as well as *Playboy* and *Penthouse*. They accused the Commission of establishing a blacklist to coerce the corporations receiving the letter into withdrawing First Amendment-protected material. A federal judge ordered the Commission to retract the letter and barred it from issuing any lists of retailers.

But the Meese Commission's letter had set in progress a chain of events that no judge's order could arrest. Wildmon's boycott campaign against the chain stores, like the campaign against the television advertisers, had made them extremely sensitive to adverse publicity. The Commission's letter was the straw that broke their backs. On April 10, 1986, the Southland Corporation announced that it was pulling *Playboy* and *Penthouse* from its 4,500 stores and recommending to 3,600 other 7-Elevens that were owned by franchises that they get rid of them as well. The statement by Southland announcing the decision suggested that the chain was responding to evidence adduced by the Meese Commission that showed a link between "adult magazines and crime, violence, and child abuse." But Wildmon questioned Southland's altruism. He claimed that Southland had bent under the boycott. "It is a good example of what can happen when the Christian community stands together with selective buying," Wildmon said. "It took us approximately two years, but our voice was heard. By the time a federal judge issued an injunction against the Meese Commission in July, ordering withdrawal of the letter to the corporations, six of the chains targeted by the Commission had pulled *Playboy* and *Penthouse* and 34 smaller chains who didn't receive the letter had followed Southland's lead. More than 10,000 stores had stopped carrying the magazines. By August, the number had grown to 17,000.

The removal of *Playboy*, *Penthouse* and other men's "sophisticate" magazines from stores across the country had a domino effect, causing the removal of other magazines that were controversial for one reason or another.

Magazines about rock and roll music, several teen magazines, the swimsuit issue of *Sports Illustrated*, and issues of *American Photographer* and *Cosmopolitan* were removed from sale in some parts of the country in the panic set off by the Meese Commission letter.

Wildmon kept his name in the headlines in 1987 by attacking a controversial disc jockey and a mainstream hotel corporation. Wildmon's complaint against "shock radio" personality Howard Stern was one factor that led the Federal Communications Commission to expand its ban on "offensive" programming. At the same time, Wildmon was directing a boycott against the Holiday Inn hotel chain in an effort to stop it from making "R"-rated films available to guests in their rooms. However, demonstrations scheduled at a hundred Holiday Inns across the country on April 18 failed to materialize. Only 13 hotels were picketed; the average demonstration numbered between five and 10 protesters and the demonstrations lasted for only a few hours.

It was at the time of the Holiday Inn boycott in mid-1987 that Wildmon began to make preliminary moves toward resuming his attack on television. He had never abandoned it entirely. The pages of the *NFD Journal* were full of condemnation for the current crop of programs and the people who sponsored them. In April 1987, Wildmon criticized the networks for dropping their ban on permitting bras to be modelled by live models. He predicted that the next step would be live underwear ads. But Wildmon had refrained from announcing any boycott of advertisers since his RCA campaign. The first sign of a new campaign came with the organization of a successor to the Coalition for Better Television. Wildmon established Christian Leaders for Responsible TV (CLear-TV). Then, in June, CLear-TV announced its first boycott, targeting Mazda Motors and Noxell for their sponsorship of television programs allegedly featuring sex, violence and profanity. Four months after declaring a boycott of Mazda and Noxell, CLear-TV announced that Mazda had agreed to reduce the amount of sex and violence it allegedly helped promote on network TV. Noxell had previously come to terms.

With the first victories by CLear-TV, Wildmon was back on track for another major showdown with the networks. But, there was a diversion on his return to the crusade. Wildmon became a leader in the fight to prevent Universal Pictures from releasing Martin Scorsese's film, *The Last Temptation of Christ*. The film was opposed by many religious leaders because it portrayed Christ as a messiah struggling with human weaknesses, including sexual desire. While many Christian leaders condemned the film, Wildmon tried to suppress it. Wildmon asked his supporters to petition their local theaters in an effort to prevent the exhibition of the film and announced a boycott against companies owned by Universal's parent corporation, MCA. He also urged his followers to vote against the Democratic Party in the upcoming elections because Lew Wasserman, the MCA chairman, was a major fundraiser for the Democrats. Among the

demonstrations against release of the film, two held in Los Angeles in July were widely interpreted as anti-Semitic. Wildmon acknowledged the incidents as "very unfortunate." However, he contributed to the controversy by demanding to know how many Christians served in top positions at MCA and Universal. The protests over the film culminated in demonstrations in seven cities on August 12, the day of the film's release. The largest demonstration, involving 500 people, occurred outside a theater in New York. Despite the fact that several theater chains refused to show the film, *The Last Temptation of Christ* set a box office record during its first week.

In the midst of the controversy over *The Last Temptation of Christ*, Wildmon was able to claim a victory over the networks when the creator of the "Mighty Mouse" cartoon agreed to cut 3½ seconds of an episode that Wildmon had protested. The creator, Ralph Bakshi, had fallen under suspicion because of his role in making an X-rated animated feature, *Fritz the Cat*. However, Bakshi had also won an award for "Mighty Mouse" from Action for Children's Television. In the disputed episode, Wildmon charged Bakshi with portraying Mighty Mouse as experiencing drug-induced exhilaration after inhaling the petals of a flower. Mighty Mouse had sniffed cocaine, Wildmon contended. Bakshi defended his cartoon, insisting that Wildmon had interpreted the scene out of context. However, Bakshi said he was removing the scene because of his concern that the controversy might lead children to believe that what Wildmon was saying was true. Wildmon interpreted the cut differently. "This is a de facto admission that indeed Mighty Mouse was snorting cocaine," Wildmon said. "We have been vindicated."

The decisions by Mazda, Noxell, and CBS whetted Wildmon's appetite for another full-scale battle with the networks. For a time in mid-1987, Wildmon had been preoccupied with the financial problems that plagued the NFD in the wake of the scandal over evangelist Jim Bakker's sexual encounter with a Long Island church secretary. Like other organizations that depended for funds on evangelical Christians, the NFD was hurt by the drop in contributions that followed Bakker's disgrace. The problem became so critical for Wildmon that he quietly folded the NFD at the end of the year. As he closed the 10-year-old NFD, Wildmon opened the American Family Association and resumed business as usual. By the end of 1988, he had established AFA on a firmer footing than the National Federation for Decency had ever enjoyed. He was projecting a budget of \$5 million for the next year. In December, the representatives of CLear-TV, Wildmon's television group, agreed to announce a boycott of the worst advertiser at the conclusion of the sweeps period in May.

The announcement of the boycott threat in January had the same chilling effect on advertisers in the spring of 1989 that it had had in 1981. Kimberly-Clark and Tambrands announced they would not advertise on the show "Married

. . .with Children.” An *Advertising Age* story reporting the controversy over “Married. . .with Children” noted that a growing number of companies were reviewing the programs they sponsored more carefully. Less than two weeks after Kimberly-Clark and Tambrands acted against “Married. . .with Children,” two advertisers who had been pressured by Wildmon pulled their ads from “Saturday Night Live.” Ralston-Purina Company cancelled \$1 million in ads because one of the shows “crossed over the line of good taste.” General Mills withdrew an undisclosed number of commercials. A month later, Domino’s Pizza also pulled out, citing the efforts of the American Family Association as a factor in its decision. At about the same time, Wildmon scored a technical knock-out over Pepsi which, after initial resistance, bent to a demand that it sever its connection with Madonna because she had starred in a music video that used imagery that he disliked. Advertiser fear had grown to such an extent by May that ABC was unable to find sponsors for sequels to two shows based on dramatizations of actual crime and other real events that had received respectable ratings when they were broadcast. The inability to attract sponsors was described as unprecedented by industry officials.

(Helm . . . from page 240)

prevent such blasphemous or immoral behavior by other institutions or artists with Government funds. That is why I have offered my amendment.

Frankly, Mr. President, I have fundamental questions about why the Federal Government is involved in supporting artists the taxpayers have refused to support in the marketplace. My concern in this regard is heightened when I hear the arts community and the media saying that any restriction at all on Federal funding would amount to censorship. What they seem to be saying is that we in Congress must choose between: First, absolutely no Federal presence in the arts; or second, granting artists the absolute freedom to use tax dollars as they wish, regardless of how vulgar, blasphemous, or despicable their works may be.

If we indeed must make this choice, then the Federal Government should get out of the arts. However, I do not believe we are limited to those two choices and my amendment attempts to make a compromise between them. It simply provides for some common sense restrictions on what is and is not an appropriate use of Federal funding for the arts. It does not prevent the production or creation of vulgar works, it merely prevents the use of Federal funds to support them.

Mr. President, I remind my colleagues that the distinguished Senator from New York and I called attention to Mr. Serrano’s so-called work of art, which portrays Jesus Christ submerged in a bottle of the artist’s urine, on May 18. We pointed out that the National Endowment for the Arts had not only supported a \$15,000 award honoring Mr. Serrano for it, but they also helped promote and exhibit the

Wildmon’s blast at a movie dramatization of the *Roe v. Wade* case, which the critics praised for its even-handed treatment of the abortion controversy, cost NBC as much as \$1 million in lost advertising revenue.

Yet, there are significant differences between 1981 and 1989. Existing anti-censorship groups have expanded and new ones have been created. One of the new groups, the Americans for Constitutional Freedom, which was organized in 1986 by the American Booksellers Association and the trade associations representing magazine distributors and wholesalers, promised a stiff fight against Wildmon. “Wildmon doesn’t want to make television better,” Oren Teicher, the executive director of ACF, said. “He wants to make it reflect his world view: he wants to make television in Donald Wildmon’s image.” Teicher observed that a major difference between 1981 and 1989 is that much more is known about Wildmon today. In 1981, he was able to pretend that he was only concerned about too much sex, violence, and profanity. “Today, we know what Donald Wildmon wants,” Teicher said. “Donald Wildmon wants censorship.” □

work as well.

Over 25 Senators—Democrats and Republicans—expressed their outrage that day by cosigning a letter to Hugh Southern, the Endowment’s acting chairman, asking him to review their procedures and to determine what steps are needed to prevent such abuses from recurring in the future. Mr. Southern replied on June 6 that he too was personally offended by Mr. Serrano’s so-called art, but that—as I have heard time after time on this issue—the Endowment is prevented by its authorizing language from promoting or suppressing particular points of view.

Mr. Southern’s letter goes on to endorse the Endowment’s panel review system as a means of ensuring competence and integrity in grant decisions, and he states that the Endowment will review their processes to be sure they are effective and maintain the highest artistic integrity and quality.

However, Mr. President, shortly after receiving Mr. Southern’s response, I became aware of yet another example of the competence, integrity, and quality of the Endowment’s panel review system. It is a federally supported exhibit entitled: “Robert Mapplethorpe: The Perfect Moment.” The Corcoran Gallery of Art had planned to open the show here in Washington on July 1, but abruptly canceled it citing the danger the exhibit poses to future Federal funding for the arts. The Washington Project for the Arts subsequently agreed to make their facilities available and opened the show last Friday, July 21.

Mr. President, the National Endowment, the Corcoran, and others in the arts community felt the Mapplethorpe exhibit endangered Federal funding for the arts because the patently offensive collection of homoerotic pornography and

sexually explicit nudes of children was put together with the help of a \$30,000 grant from the Endowment. The exhibit was assembled by the University of Pennsylvania's Institute for Contemporary Art as a retrospective look at Mr. Mapplethorpe's work after his recent death from AIDS. It has already appeared in Philadelphia and Chicago with the Endowment's official endorsement.

I have a catalog of the show and Senators need to see it to believe it. However, the catalog is only a survey, not a complete inventory, of what was in the Endowment's show. If Senators are interested, I have a list and description of the photographs appearing in the show but not the catalog because even the catalog's publishers knew they were too vulgar to be included—as sick as that book is.

Vanity Fair magazine ran an article on another collection of Mapplethorpe's works which appears at the Whitney Museum of Modern Art in New York. This collection included many of the photographs currently in the NEA funded exhibit. There are unspeakable portrayals which I cannot describe on the floor of the Senate.

Mr. President, this pornography is sick. But Mapplethorpe's sick art does not seem to be an isolated incident. Yet another artist exhibited some of this sickening obscenity in my own State. The Duke Museum of Art at Duke University had a show deceptively titled "Morality Tales: History Painting in the 1980's." One painting, entitled "First Sex," depicts a nude woman on her back, legs open, knees up, and a little boy leaning against her leg looking into her face while two sexually aroused older boys wait in the background. Another work shows a man urinating on a boy laying in a gutter. Other, more despicable, works were included as well.

I could go on and on, Mr. President, about the sick art that has been displayed around the country. These shows are outrageous. And, like Serrano's blasphemy, the most outrageous thing is that some of the shows, like Mapplethorpe's, are financed with our tax dollars. Again, I invite Senators to see what taxpayers got for \$30,000 dollars.

Mr. President, how did the Endowment's vaunted panel review system approve a grant for this pornography? It was approved because the panel only received a description, provided by the Endowment's staff, which read as follows:

To support a mid-career summary of the work of photographer Robert Mapplethorpe. Although all aspects of the artist's work—the still-lives,

nudes, and portraits—will be included, the exhibition will focus on Mapplethorpe's unique pieces where photographic images interact with richly textured fabrics within carefully designed frames.

Mr. President, what a useless and misleading description. No legitimate panel of experts would know from this description that the collection included explicit homoerotic pornography and child obscenity. Yet none of the descriptions for other projects funded by the Endowment at the time were any better. Indeed, Mr. Jack Neusner—who sat on the panel approving the Mapplethorpe exhibit—was mystified as to how he had approved a show of this character. He knows now that he was misled.

Mr. President, there is a fundamental difference between Government censorship—the preemption of publication or production—and governmental refusal to pay for such publication and production.

Mr. President, there have been instances where public outrage has forced artists to remove works from public display. For instance, shortly after Mayor Harold Washington's death, a work portraying him as a transvestite was forcibly removed from a show in Chicago. Another work on display at Richmond's airport was voluntarily removed after the night crew complained about a racial epithet which had been inscribed on it. There was little real protest from the arts community in these instances.

Mr. President, at a minimum, we need to prohibit the Endowment from using Federal dollars to fund filth like Mr. Serrano's and Mr. Mapplethorpe's. If it does not violate criminal statutes and the private sector is willing to pay for it, fine! However, if Federal funds are used, then Congress needs to ensure the sensitivities of all groups—regardless of race, creed, sex, national origin, handicap, or age—are respected.

Federal funding for sadomasochism, homoeroticism, and child pornography is an insult to taxpayers. Americans for the most part are moral, decent people and they have a right not to be denigrated, offended, or mocked with their own tax dollars. My amendment would protect that right.

Mr. President, if Senators want the Federal Government funding pornography, sadomasochism, or art for pedophiles, they should vote against my amendment. However, if they think most voters and taxpayers are offended by Federal support for such art they should vote for my amendment. □

intellectual freedom bibliography

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