

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



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**FBI  
checked  
on  
librarians**

After widespread criticism by librarians, members of Congress, and the general public of controversial visits by FBI agents to libraries under the so-called "Library Awareness Program," the Federal Bureau of Investigation in early 1989 ran background checks on some 266 individuals connected "in any way" with opposition to the program. The investigations aimed "to determine whether a Soviet active measures campaign had been initiated to discredit" the "library awareness" operation.

Details of this and related FBI activities in public and private libraries across the country were revealed in over 1200 pages of internal FBI documents obtained in early November through a lawsuit brought by the National Security Archive, a nonprofit Washington research group, under the Freedom of Information Act. Under a stipulation between the Archive and the FBI signed by U.S. District Court Judge Louis Oberdorfer, the documents were drawn from over 3,000 pages originally reviewed and were delivered to the Archive in three releases.

The documents reveal that, beginning in the 1960s, FBI agents visited libraries as part of a counterintelligence "awareness" program, at times referred to in the documents as the Development of Counterintelligence Awareness Among Librarians, or DECAL, to warn about possible KGB recruitment or research activities in libraries. After a librarian at Columbia University revealed in 1987 that she had been approached by FBI agents and asked to inform the FBI about Soviet or Eastern bloc individuals using that library's facilities, the American Library Association raised objections to such visits, citing professional ethics, civil liberties concerns, and state confidentiality statutes (see *Newsletter*, November 1987, p. 215, 241; May 1988, p. 79; July 1988, p. 113; September 1988, p. 143, 145-47; November 1988, p. 191; January 1989, p. 1; March 1989, p. 35, 62-65; July 1989, p. 119). Working with ALA, the National Security Archive filed FOIA requests to the FBI in July and September, 1987, and filed suit in June, 1988, after the FBI failed to respond. ALA was not a party to that suit.

Among the documents turned over to the Archive was a February 6, 1989, memo to FBI director William S. Sessions from the head of the bureau's New York office. The memo said the names of 266 people "connected in any way to the investigation" were checked against the agency's files "to determine whether a Soviet active measures campaign had been initiated to discredit the Library Awareness Program." An active

(continued on page 34)

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# in this issue

FBI checked on librarians .....p. 1

art under fire, II .....p. 3

library censorship in Oregon .....p. 4

flag-burning statute .....p. 5

in review: *Freedom at Risk* .....p. 6

rockers against censorship .....p. 7

decade of censorship .....p. 8

*censorship dateline*: libraries, schools, student press, universities, *Last Temptation of Christ*, periodicals, advertising, art, book burning, foreign .....p. 9

*from the bench*, U.S. Supreme Court, libraries, universities, church and state, flag desecration, film, shopping malls, Ku Klux Klan, adult entertainment .....p. 21

1989 Hefner awards .....p. 26

*is it legal?*: schools, evolution and creation, universities, books and periodicals, broadcasting, AIDS, obscenity, adult entertainment ...p. 27

*success stories*: libraries, schools, university .....p. 32

*House Made of Dawn* .....p. 32

*I Know You, Al* .....p. 4

*If Beale Street Could Talk* .....p. 4

*The Impact Zone* .....p. 4

*In the Hand of the Goddess* .....p. 5

*Jacob Have I Loved* .....p. 33

*The Joy of Sex [Ireland]* .....p. 19

*Karen Kepplewhite is the World's Best Kisser* .....p. 5

*The Kid Who Only Hit Homers* .....p. 5

*A Light in the Attic* .....p. 32

*Liza Lou & the Yeller Belly Swamp* .....p. 5

*The Lorax* .....p. 32

*The Magic Grandfather* .....p. 5

*Mr. Wheatfield's Loft* .....p. 4

*My Life as a Body* .....p. 5

*Of Mice and Men* .....p. 10, 11

*The Perilous Journey* .....p. 11

*Prelude to World War II* .....p. 5

*The Prince in Waiting* .....p. 5

*Raise Up Off Me* .....p. 32

*The Restless Dead* .....p. 5

*A Separate Peace* .....p. 11

*A Snake's Body* .....p. 4

*Space Station Seventh Grade* .....p. 5

*The Stand* .....p. 5

*Then Again, Maybe I Won't* .....p. 5

*To Take a Dare* .....p. 5

*Webster's Dictionary* .....p. 11

*Witch Herself* .....p. 10

*Witch's Sister* .....p. 9

*Witch Water* .....p. 10

*The Wolfman of Beacon Hill* .....p. 5

*The Woman Who Rides Like a Man* .....p. 5

*The Woman's Encyclopedia of Myths and Secrets* ..p. 5

*Zerelda's Ogre* .....p. 5

## targets of the censor

**books**

*Alanna* .....p. 5

*And the Walls Came Tumbling Down* .....p. 19

*Angel Dust Blues* .....p. 5

*Annie on My Mind* .....p. 4

*Black Magic, White Magic* .....p. 10

*Bumps in the Night* .....p. 5

*Butterfly* .....p. 4

*Collected Poems, 1947-1980 [Allen Ginsberg]* .....p. 9

*The Dallas Titans Get Ready for Bed* .....p. 5

*Devils and Demons* .....p. 4

*The Devil's Piper* .....p. 5

*Don't Call Me Little Bunny* .....p. 5

*Freddy's Book* .....p. 9

*God, the Universe and Hot Fudge Sundaes* .....p. 5

*Gods or Demons?* .....p. 5

*Halloween ABC* .....p. 5

(continued on page 35)

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## congress approves ban on NEA funding of "obscene" art, but controversy continues

On October 7, the U.S. Senate passed a House-approved compromise preventing federal funding of "obscene" art, after defeating 62-35 a last-minute attempt by Sen. Jesse Helms (Rep.-NC) to strengthen the proposed restrictions. But the Senate also sent a message to the National Endowment for the Arts (NEA) that future funding of controversial art would be dealt with more harshly.

"If there's a repetition of what has happened in this instance, I think the next firestorm may be much, much greater," Senate Appropriations Committee Chair Robert C. Byrd (Dem.-WV) said during the debate, "and could lead to the unfortunate result of the withholding of federal funds entirely from the NEA."

The language of the final congressional resolution of the contentious arts issue (see *Newsletter*, November 1989, p. 209), based on the Supreme Court's 1973 guidelines on obscenity, prevents the NEA from funding art that its chairman deems obscene and on the whole without artistic value.

The amendment offered by Helms would have taken the decision away from the NEA chair and prevented funding of works that are "obscene or that depict or describe in a patently offensive way, sexual or excretory activities or organs." On September 29, the Senate had eliminated Helms' original bans on art that is "indecent" or that "denigrates" a religion, race, ethnic background, age group or handicap.

Helms argued that allowing the NEA chair to decide whether a work is obscene left a loophole "wide enough to drive ten Mack trucks through. . . . It's nothing more than a sop to fool the American people into thinking the liberal majority of the Congress has gotten tough."

Helms said members of the arts community had said the revised language would not necessarily prevent future NEA support for works like those of Robert Mapplethorpe and Andres Serrano, whose photographs originally ignited the arts funding controversy. But opponents of Helms' measure said a strong enough message had already been sent to the NEA and the National Endowment for the Humanities, which also came under the legislation.

"It is inconceivable to anyone who knows the two organizations that they would fund anything like Mapplethorpe or Serrano with the language in this report," said Sen. Warren B. Rudman (Rep.-NH). "Let's recognize we have fired a warning shot across their bow. If they start funding more obscenities, obviously we'll do what we have to."

After months of debate and lobbying on both sides, the final bill allocated \$171 million to the NEA and an additional \$250,000 for a 12-member commission to study its grant-making process to determine whether new standards would be adopted governing federal support for controversial art. It also cut \$45,000 (the exact amount of the two controver-

sial Mapplethorpe and Serrano grants) and required the agency to report to Congress if it intends to fund the two groups that used the grants to exhibit the photographs.

"I think it's something we can live with," said John Frohnmayer, who began his term as NEA chair October 10. "I think the lesson from all this is that we do live in a political realm, and you forget that at your peril."

Apparently, you can also remember it at your peril. For just a little more than a month later, Frohnmayer was compelled, under heavy criticism from arts leaders, to reverse a decision to deny a grant made to a New York gallery for an art exhibition about AIDS that he had earlier called "political rather than artistic in nature."

Frohnmayer originally announced on November 8 that he was withholding payment of a \$10,000 grant that had been approved for Artists Space in New York for the AIDS exhibit, entitled "Witnesses: Against Our Vanishing." He said he based his decision on the recently passed legislation against funding "obscene" works as well as on "the current political climate" in Washington.

"I believe that political discourse ought to be in the political arena and not in a show sponsored by the Endowment," Frohnmayer said, referring to critical references in the exhibit catalog to Sen. Helms, Cardinal John O'Connor, and Rep. William Dannemeyer, a conservative California Republican who has been an outspoken opponent of gay rights.

In a letter to gallery director Susan Wyatt, Frohnmayer said he was rescinding the grant "because of the recent criticism the endowment has come under." He said he reviewed the exhibition materials, including the catalog, and felt that "to exhibit or publish this work is in violation of the spirit of the congressional directive."

On November 16, however, Frohnmayer reversed himself after visiting the exhibition. "After consulting with members of the National Council on the Arts, several of whom have also seen the show," he said, "I have agreed to approve the request of Artists Space to amend the fiscal '89 grant and will release the grant for the exhibition only."

Artists Space director Wyatt had written to the endowment October 27 seeking to modify the grant and delete funding for the catalogue, which received separate funding from the Robert Mapplethorpe Foundation. The matter was not previously resolved, however, because Wyatt's letter was not received until after Frohnmayer's original cancellation of the entire grant.

Frohnmayer's original decision met with strong criticism from the arts community. Composer and conductor Leonard Bernstein made the most visible statement when he declined to accept a National Medal of Arts just one day before Frohnmayer's reversal.

When word came of the funding renewal, some critics praised the NEA chair. "I think it took great courage for Mr. Frohnmayer to reverse himself publicly," said Joseph Papp of the New York Shakespeare Festival. "It would be

wrong for arts people to put this man down. People in the arts should give him a vote of confidence for his decision."

But others were more skeptical. "I find it really confusing," said Ted Potter, director of the Southeastern Center for Contemporary Art in Winston-Salem, N.C., which was criticized by Congress for sponsoring the controversial Serrano exhibit. "I think the arts world is going to be watching in great anticipation for the real John Frohnmayer to stand up," Potter continued. "I don't know what agenda he's serving. It's too soon to tell. Is he a national leader of advocacy for the American artistic community, or is he for appeasement and consolation to the conservative elements in Congress? We'll have to see where all this goes."

A similar tack was taken from the other side by Sen. Helms. "I do hope that Mr. Frohnmayer is not retreating from his voluntary commitment to me, and I will not assume that he has done so until I hear from him about a published statement attributed to him," Helms told reporters.

As the controversy continued, Congressional hearings opened in Washington November 15 on reauthorization of the endowment. The hearings are required every five years and are usually pro forma, but the dispute over arts funding guaranteed that they would continue well into 1990.

"This hearing is being held in a climate charged with controversy and emotion unprecedented in the endowment's quarter of a century," Rep. Pat Williams (Dem.-MT) said as he opened the session of the House subcommittee on select education and post-secondary education.

Williams noted a contradiction between the endowment's authorizing language, which prohibits it from interfering with the content of the art it subsidizes, and recent Congressional demands for tighter scrutiny. "It may well be that in responding to recent Congressional language the NEA has begun to have a chilling effect on art in the United States," Rep. Williams said. "And it may be we are entering the quicksand of censorship. This committee must thoroughly consider whether the federal government can maintain an environment necessary for artistic creativity to flourish while fulfilling the recent Congressional mandate that bans assistance to certain art based on content, not quality. Congressional pressure has placed NEA on a slippery slope."

"I do feel what we are debating here is censorship," Dr. Timothy S. Healy, president of the New York Public Library, told the subcommittee. "Once law and morality are confused it is easy to arrive at such statements as 'whatever is good ought to be legislated.' That premise is bad enough. Even worse is the premise that 'what is legal is moral.'" The arts endowment, Healy added, "is not broken and it doesn't need fixing."

Leonard Garment, a lawyer and an arts advocate, pointed to the endowment's record of just 20 controversial grants among 85,000. "We are here as witnesses in a dispiriting civil war among members of the arts community," he said. "The controversy that has engulfed us is marginal to the great mass of the endowment's activity. The history of the endow-

ment to date does not give artists reason to fear for their freedom.

Rep. E. Thomas Coleman (Rep.-MO) asked constitutional lawyer Floyd Abrams whether the restrictive language recently placed on arts financing is constitutional.

"Yes," replied Abrams. "It imposes what is already law. Obscenity has always been illegal; we don't know what it is, but when we call something obscene, we are also calling it illegal. It seems to me the message the NEA has gotten from the furor of recent months is not just to stay away from obscenity, but to stay out of trouble," Abrams told the panel. "To the extent that that's what they think they are being told, it's no wonder they may react in a fashion that is easy to denounce." Reported in: *New York Times*, September 30, November 16, 17; *Washington Post*, September 30, October 8, November 16; *Boston Globe*, September 30, November 10. □

## library censorship in Oregon

On September 23, the Oregon Intellectual Freedom Clearinghouse released its second annual report on challenges to library materials in the state. The report covered the period between July 1, 1988, and June 30, 1989.

A total of 34 books were reported to the Clearinghouse as being formally challenged during that time. Thirteen of the challenged titles were in public libraries and 21 were owned by school libraries. In 25 of the 34 cases, the materials were retained in the library. In three cases, access to materials was restricted and, in two cases, materials were reclassified. Materials were removed from two school libraries, with removal of James Baldwin's *If Beale Street Could Talk* from a high school library receiving statewide media attention. Challenges against two titles were still in progress.

While the number of challenges reported was twice that of the first annual report (see *Newsletter*, January 1989, p. 3), the Clearinghouse did not conclude that the level of censorship in the state was necessarily increasing. Instead, it seems the increased number of reported challenges reflected the growing success of the Clearinghouse.

According to the report, objections to library materials were focused on stories or illustrations that are considered too scary or violent, language that some call "bad" or "profane," sexual references, and books with perceived or real occult or Satanic references.

Books challenged in public libraries were: *Devils and Demons*, by Rhoda Blumberg, at the Newberg Public Library; *A Snake's Body*, by Joanna Cole, *The Impact Zone*, by Ray Maloney, and *I Know You, Al*, by Constance Greene, at the Multnomah County Library in Portland; *Annie on My Mind*, by Nancy Garden, at the Cedar Mill Community Library in Portland; *Mr. Wheatfield's Loft*, by Isabel Cusack, at the Springfield Public Library; *Butterfly*, by Paul Lowen,

at the Tigard Public Library; and *Liza Lou & the Yeller Belly Swamp*, by Mercer Mayer, *My Life as a Body*, by Norma Klein, *The Dallas Titans Get Ready for Bed*, by Karla Kuskin, *Halloween ABC*, by Eve Merriam, *Prelude to World War II*, by Robert T. Elson, and *Don't Call Me Little Bunny* by Gregoire Solotareff, at the Douglas County Library in Roseburg.

Books challenged in school libraries were *The Woman's Encyclopedia of Myths and Secrets*, by Barbara G. Walker, at North Bend High School; *Space Station Seventh Grade*, by Jerry Spinelli, at La Grande Middle School; *Bumps in the Night*, by Harry Allard, at South Prairie Elementary School in Tillamook; *The Stand*, by Stephen King, at Whitford Intermediate School in Beaverton; *To Take A Dare*, by Crescent Dragonwagon and Paul Zindel, and *Angel Dust Blues*, by Todd Strasser, at Crook County Middle School; *The Restless Dead: Ghostly Tales from Around the World*, by Daniel Cohen, at Ochoco Elementary School in Prineville; *The Wolfman of Beacon Hill*, by Kathleen Kilgore, at Pilot Butte Junior High School in Bend; *The Devil's Piper*, by Susan Price, *Gods or Demons?*, by A. M. Lightner, *The Prince in Waiting*, by John Christopher, and *God, the Universe, and Hot Fudge Sundaes*, by Norma Howe, at Ackerman Junior High School in Canby; and *The Kid Who Only Hit Homers*, by Matt Christopher, in the Beaverton School District.

Also challenged in school libraries were *Alanna, In the Hand of the Goddess*, and *The Woman Who Rides Like a Man*, all by Tamara Pierce, at David Hill Elementary School in Hillsboro; *If Beale Street Could Talk*, by James Baldwin, at St. Paul High School; *Karen Kepplewhite is the World's Best Kisser*, by Eve Bunting, and *The Magic Grandfather*, by Jay Williams, at Little Butte Intermediate School in Eagle Point; *Zeralda's Ogre*, by Tomi Ungerer, at Cascades Elementary School in Lebanon; and *Then Again, Maybe I Won't*, by Judy Blume, in the Salem-Keizer School District. □

## flag-burning amendment fails; new statute quickly challenged

The U.S. Senate October 19 killed a proposed constitutional amendment to outlaw desecration of the American flag as Democratic leaders overpowered President Bush and other amendment advocates with a strategy that defused the political potency of the issue. The Senate voted for the constitutional amendment, but only by a margin of 51-48, fifteen votes short of the two-thirds majority required for approval.

"We saved the flag and preserved the Constitution," said Senate Judiciary Committee Chair Joseph R. Biden, Jr., (Dem.-DE) in reference to Congressional passage earlier in

the month of legislation to protect the flag without changing the Constitution.

In unusually sharp criticism of the president, Senate Majority Leader George J. Mitchell (Dem.-ME) accused Bush of attempting to exploit the flag. "To me, the most distressing aspect of this matter has been the eagerness with which the president sought to exploit the flag for political purposes," Mitchell told a news conference after the vote. "The president should demonstrate more concern for the enduring nature of the Constitution and the important stabilizing role it plays in American life. Such eager support for amending the Bill of Rights based on public opinion polls and short-term political gain is inappropriate."

The defeated amendment provided simply that "Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States." But it spawned an often complex and heated debate in which proponents emphasized the symbolic value of the flag and critics stressed the risks of tampering with the Bill of Rights.

The legislation passed by a 91-9 vote of the Senate on October 5 and by a large margin in the House in September made it a crime subject to a penalty of one year in prison and a \$1,000 fine to mutilate, deface, burn, display on the ground or floor, trample or "physically defile" any flag of the United States. But the Senate rejected 53-47 a Republican proposal to ban only public acts against the flag. Democrats regarded this as a serious threat to the constitutionality of the statute because a reference to public acts implied an expression of opinion.

The flag-protection legislation included a clause which provided for expedited review by the Supreme Court if a flag-defiling charge is brought under it. Some Democrats said an amendment could pass both houses of Congress with ease if the statute were declared unconstitutional.

Such a Supreme Court review appeared likely after three protesters were arrested October 30 for burning an American flag on the Capitol steps. A fourth demonstrator, Gregory Lee Johnson, was not arrested. Johnson was the defendant in the case that gave rise to the Supreme Court's June flag-burning ruling.

"It is our responsibility to enforce that law, and to seek a resolution of the constitutional implications" of the law, U.S. Attorney Jay B. Stephens said in a news conference. The defense lawyers, including William M. Kunstler, agreed that the Supreme Court should eventually hear the case. "Congress basically knew [the new statute] was unconstitutional, and so did the president," Kunstler said. Stephens agreed that "there are substantial doubts" about the new law's constitutionality.

The defendants in the case are Shawn Eichman of New York, Dave Blalock of New Jersey, and Scott Tyler of Chicago. Last year Tyler, an artist, was the center of controversy when he displayed as part of an art exhibit an American flag in such a manner as to necessitate viewers stepping on it.

Near the end of the hearing before U.S. Magistrate Deborah Robinson, Johnson stood to protest the "gross miscarriage of justice" in the fact that he was not charged with the others. Stephens said Johnson had not been charged because prosecutors didn't have enough evidence against him. Reported in: *Washington Post*, October 6, 20, November 1. □

## in review

**Freedom at Risk: Secrecy, Censorship, and Repression in the 1980s.** Edited by Richard O. Curry. Temple University Press, 1988.

*Freedom at Risk*, edited by Richard O. Curry, is a chilling look at the retrenchment of individual rights effected by presidential directive and departmental ruling during the Reagan administration. The book is divided into thirteen sections, each concerned with a particular aspect of governmental intrusion into personal freedom. Four of the sections represent the work of an individual author, but the remaining nine sections contain articles by two or more authors. All of the work has appeared elsewhere. Richard Curry has done us the service of locating the original material and making it all available in a handy 400-plus page volume.

Curry has written an introduction as well as two of the articles included in this anthology. His introduction provides the flavor of what is to follow, as well as a brief review of the many governmental issues discussed in subsequent pages. From information garnered through numerous Freedom of Information requests made by many of the individuals whose works appear in the book, it is evident, argues Curry, that patterns of government abuse of power threaten the very existence of our democratic institutions. He indicates that it is clear that not only can the government promote social change, it can prevent it. The power of government is able both to protect and expand individual freedoms, and to curtail and destroy them.

His thesis, as that of the other writers represented in this volume, is that over the course of the past eight years, through changes in departmental regulations, such as the Export Administration Regulations, and the Freedom of Information Act, and by presidential initiatives such as National Security Decision Directive 84 and Executive Order 12356, government has severely curtailed the free flow of information, seriously abridging First Amendment rights.

Almost no facet of public life is free of governmental intrusion. Academics, writing about the pall cast over federally-sponsored research, point out that Executive Order 12356 not only expands the power of government agencies to classify previously unclassified information, but also allows these agencies to reclassify information that had already been cleared of any need for classification. Not only scientific information falls prey to this order. Historians also are con-

cerned that governmental suppression of information may virtually rewrite history.

Consider just three examples. The George C. Marshall Library was forced to remove previously unclassified letters from its collection even though scholars had already used the letters in published works. The F.B.I. attempted to circumvent the Freedom of Information Act by systematically burning departmental records, effectively shutting out future historians from examining the practices of a key government agency. The Export Administration Act, originally designed to control the export of technical *objects*, has been used to prohibit the outward flow of technical *ideas*, even when no classified information was used in the development of the ideas.

The world of the scientist and the historian are not the only universes constrained by governmental edict. Much of the book is devoted to the manner in which our own public access to information is curtailed. In commenting on the invasion of Grenada, for instance, Diana M.T.K. Autin suggests that the action was performed in secrecy unprecedented in U.S. history. Not only was Congress not consulted about the invasion, members were informed only hours before it took place. No press was allowed on the island until days after the action was completed, and then only U.S. Government sources were available to provide information.

Two of the most far-reaching orders were Executive Order 12291 and 12498 which strengthened and expanded the power of the Office of Management and Budget. Through its powers to supervise the development of regulatory procedures and to review every regulatory activity, the OMB has virtual veto power over almost every agency of the government. Using these powers, OMB has scuttled plans of the Environmental Protection Agency to conduct a survey of the impact upon public health of using certain chemical-additives in drinking water; dismantled a National Institute for Mental Health study of the effect of budget cuts on patients' uses of health services; and possibly withheld crucial information from Congress during hearings on the EPA toxic waste program. Librarians are only too well aware of the OMB's decision to eliminate 3800 governmental publications, one fourth of all governmental publications that existed in 1981.

Many of the articles in this book touch on the role of both the F.B.I. and the C.I.A. in curtailing access to information. Those who have followed the continuing saga of the F.B.I. "Library Awareness Program" (see page 1) will not be surprised by much of the information in this volume. They will only discover that other institutions as well as libraries have experienced the ill effects of F.B.I. intrusion. Especially interesting is the account on page 275 of the COINTELPRO program begun in the late 50's and lasting well into the 70's. It sounds like an early model for the Library Awareness Program. Athan Theoharis in his paper, "Conservative Politics and Surveillance: The Cold War, the Reagan Administration, and The F.B.I.," provides a virtual menu of the abuses

of the F.B.I. for the past 40 years, concluding that the Reagan administration made a concerted effort to rescind the limited controls and oversight of this agency enacted in the 1970's.

This book is a dark feast. It is packed with morsels guaranteed to make the stomach churn and the gorge rise. Despite its large contingent of authors, the articles have many recurring themes. Authors approaching the subject with different lenses expose the same information. Many of the directives and regulations affect multiple constituencies. *Freedom at Risk*, therefore, is not only an excellent primer for exploring current threats to First Amendment rights, but it is also a useful source for a more in-depth discussion of government regulations and their effects on our lives.

The writing is uneven, as one might expect from an anthology. Some of the articles require unusual dedication from the reader, but the effort is rewarded with a wealth of information. The 28 authors whose works are included in this book represent the worlds of law, academia, sociology, religion, computer science, and journalism. Readers of this magazine will recognize especially the names of Nat Hentoff, free lance writer and columnist for the *Village Voice*, and Michael Ratner, legal director for the Center for Constitutional Rights in New York City.

The breadth of the material covered is indicated by the headings for the thirteen sections: "The OMB: An Orwellian Ministry of Information," "The Samuel Loring Morison Case: Secrecy by Judicial Fiat," "National Security and Seditious Libel," "Ideological Exclusion: The McCarran-Walter Act," "The USIA: The Politicization of International, Educational and Cultural Affairs Programs," "Disinformation and Psycho Linguistic Manipulation," "Drug Testing," "The F.B.I. and Domestic Surveillance," "Conspiracy Trials," "The Sanctuary Movement," "The Reagan Administration and the Courts," and "Libel Cases and Other Attacks on the Media."

*Freedom at Risk* is certainly worth the effort it takes to read. I would not, however, recommend it as a book to take on one's vacation — *Reviewed by Patricia H. Latshaw, Community Relations Director, Akron-Summit County Public Library.* □

## rockers rally against censorship

Declaring that "the free ride is over" for organizations and politicians who support censorship of music, a group of musicians and concerned citizens demonstrated September 25 in a park across from the White House in support of free speech.

"It is shameful that on this day we live in a climate of fear," rock critic-journalist Dave Marsh told the crowd of about a hundred people. "We are here to serve notice that free speech is for everyone, not just the elite."

Marsh, Barry Lynn of the ACLU, members of the band Living Colour, rappers Run-DMC, and Jello Biafra honored the 200th anniversary of the Bill of Rights by reciting a litany of recent moves toward censorship of rock, rap and politically controversial lyrics that they contended threatens the First Amendment rights of all Americans. The rally was the first public action by Music in Action — a coalition of artists, record retailers, industry insiders, fans and concerned citizens — said its executive director, Phyllis Pollack. She read statements of support from musicians Bruce Springsteen, Don Henley, Steven Van Zandt, and Frank Zappa, and from Paul McCartney's personal manager, Richard Ogden.

Among the actions cited were the labeling of records with parents' advisory stickers, as urged by the well-connected Parents Music Resource Center (PMRC); attempts to limit sound levels at concerts held in public places; boycotts of products aligned with artists whose videos are thought by some to be offensive, such as the boycott of Pepsi-Cola based on Madonna's "Like a Prayer" video; and attempts to halt rap concerts.

Marsh displayed boxes of petitions he said bore the signatures of 50,000 people protesting attempts to censor rock music. The petitions were presented to a representative of the Justice Department. Before the rally, Marsh said that Music in Action members had met with Justice Department officials to ask that federal attorneys "do some freedom of speech education to people who attempt these illegal restraints." He said the group also asked the department to respond to the FBI, which had written a letter critical of the rap song "F--- the Police," by the group NWA. The FBI has "taken an official position against a recording, a first in our nation," Marsh said. Most important, Marsh concluded, "we served notice that more people are in this debate than just the PMRC."

In a statement, the PMRC said that it "does not support efforts to censor, legislate or restrict popular music. We . . . work to educate parents about graphic themes in popular music. . . . We would like to emphasize that our solution of nonrestrictive consumer information balances the rights of artists with the rights of parents who wish to protect their children."

Compliance with the PMRC's request for advisories concerning explicit lyrics is at the discretion of the record company and takes the form of a warning sticker on an album, cassette or CD. But ACLU legislative counsel Barry Lynn told the rally that the record companies that agreed to label music in 1985 did so "directly as a result of government intimidation" stemming from the influential connections of the PMRC. PMRC founders Tipper Gore and Susan Baker are the wives of Sen. Albert Gore Jr. (Dem.-TN) and Secretary of State James A. Baker, 3d.

It was also noted that many stores will not carry recordings with a warning sticker, thus effectively transforming labeling into full censorship. Vocalist Corey Glover of Living Colour said that album stickers stigmatize artists and

discourage parents from deciding for themselves what is right for their own children.

"If Tipper Gore and Susan Baker want to help the world, let them tell their husbands across the breakfast table, 'Dear, make sure to do something about racism today at the office,'" said Bill Adler of Rush Productions, a major rap artist management firm.

Vernon Reid of Living Colour was applauded when he said: "It's very important that all artists be able to do their work as guaranteed by the Bill of Rights. Otherwise you'll tend to change the work as you are doing it, for fear of not getting a contract or getting your music played." Reported in: *Philadelphia Inquirer*, September 26; *San Jose Mercury-News*, September 26. □

## a decade of censorship

By Oren J. Teicher, executive director, Americans for Constitutional Freedom.

The decade is almost over and it is time for all the observers, experts, pundits, etc. to provide our analysis of the events of the 1980's.

Americans for Constitutional Freedom believes that the '80's — for whatever else they may be remembered for — has been a time of growing intolerance towards the ideas of others. The '80's, regrettably, have been a time in which it became far more acceptable to try to restrict access to books, magazines, records, art, movies, and television that one group or another did not like.

While it might be impossible to fully document the impact the pro-censorship forces have had over the past ten years, they have had a real effect. The mood of everyone in the business of disseminating protected material has become more cautious. Producers and publishers are less willing to take risks. Wholesalers, retailers, and librarians think twice about material that is likely to be attacked.

Consider these highlights of events of the past ten years:

### The Attack on Books

Well known titles including *Catch-22*, *Oliver Twist*, *Ordinary People*, *Slaughterhouse-Five*, *Lord of the Flies*, *Farewell to Arms*, *Catcher in the Rye* — are more than books on a high school or college reading list, but books actually banned somewhere in the United States in the 80's. Of course, the Ayatollah Khomeini's sentence of death on Salman Rushdie was the most dramatic and extreme example of the battle, but — according to the American Library Association — efforts to interfere with constitutionally protected books occur all the time across America. Further, the 80's has seen several successful attempts to ban school textbooks from the classroom.

### The Attack on Magazines

Demands for the removal of a wide range of popular mass circulation magazines became commonplace in the 80's. Women's magazines such as *Cosmopolitan*, *Glamour*, and *Vogue*; teen magazines such as *Sassy*; and men's magazines such as *Playboy* and *Penthouse* have all been targets. *Sports Illustrated's* swimsuit issue has drawn protests from both religious and feminist groups. Even *Life* magazine's recent issue on the history of the bra was attacked. Thousands of retail stores removed some or all of these titles under the threat of consumer boycotts. And as the decade came to a close in the fall of 1989, numerous fashion and women's magazines including *Ladies Home Journal*, *Redbook*, *Mademoiselle* and others, were all removed from sale in many locations across the country because a handful of people were offended by a skin cream advertisement.

### The Attack on Television and Radio

Boycotts were also aimed at advertisers on television shows that some Americans found objectionable. Programs from "Alf", to "Wonder Years", to "LA Law" and literally dozens and dozens of others were found to be unacceptable. Legislators attempted to ban all programs dealing with explicit subjects. Both radio and television stations were threatened with revocation of their licenses for the broadcast of supposedly "indecent" material. At least one chain of radio stations chose not to air a reading of James Joyce's "Ulysses" out of fear of running afoul of the Federal Communications Commission.

### The Attack on the Arts

The United States Senate voted to ban the use of public funds for certain controversial works of art. Fortunately, the House of Representatives voted otherwise, but for the first time one House of the U.S. Congress tried to determine what constituted appropriate art in the United States.

### The Attack on Film

The most notorious example of this was the serious attempt by one extreme religious fundamentalist group to buy-out all copies of the film *The Last Temptation of Christ* in order to have all prints destroyed so no one could view the film. When that failed, this group — along with several others — staged boycotts of theatres that tried to exhibit the movie.

### The Attack on Records

A group of well connected parents in Washington, D.C. — under the rather innocuous banner of the Parents Music Resource Center — have demanded that records be labeled to identify those which they believe to be offensive.

(continued on page 20)



## — censorship dateline —



### libraries

#### Indianapolis, Indiana

A seven-member panel began in October to review a parent's request to pull a controversial book of poetry from the library at North Central High School. The panel included Wanda Clay, the parent who originally filed the complaint against Allen Ginsberg's *Collected Poems, 1947-1980*. The volume was brought to the attention of school officials when Clay complained that it contains explicit descriptions of homosexual acts that are inappropriate subject matter for high school students.

A study hall aide who is also a member of the Coalition of Concerned Minority Parents, Clay was supervising a group of students when she discovered some of them giggling and passing the book around. Coalition President Mmoja Ajabu supported Clay, but was not selected as a review committee member.

"I think everyone is in agreement that this type of material should not be readily accessible to children at that age," Ajabu said. "I'm confident they will take care of it in the manner it needs to be taken care of."

But librarian Jean Carr said the book, shelved as part of a collection of about fifty modern poets available for student research projects, was highly recommended for high school libraries. "We have many traditional sources we turn to for lists of books recommended for school libraries each year," she said. "One of the reviews indicated this was an essential purchase."

"Ginsberg is a very important figure in the development of American literature, and the sexual references are such a small part of his total work it is unfortunate to have to discuss them out of context," commented English department chair Jan Guffin. Guffin stressed that Ginsberg's work is not required reading in any English class.

"The thing that makes us feel so bad," Carr said ruefully of the controversy, "is that the maturity level of this one student was obviously not high enough to handle the poetry so we're now putting all of the material in question." Reported in: *Indianapolis News*, October 9, 30.

#### Fenton Township, Michigan

*Freddy's Book*, by John Neufeld, will remain in a Lake Fenton elementary school library, but students who want to read it will need a parent's assistance, school officials said September 29. "It's going to be pulled off the general reading shelf and put on a restricted shelf," Lake Fenton Superintendent Gerald R. Laskey said. "The parent physically will have to check the book out." No other books in the school district are restricted in such a manner, Laskey said.

The 1973 novel about a young boy's search for answers about sexuality came under fire after Mark and Becky Rockwood, parents of a fifth grader at Torrey Hill Elementary School, complained about language and scenes portrayed in it. The Rockwoods charged that the book's descriptions of male and female genitalia, menstruation, erections, sexual intercourse and wet dreams are offensive. They also disliked a scene in which the lead character spies on his sister through a keyhole and objected to the book's use of a four-letter word for intercourse, which appears some thirty times.

A three-member committee reviewed the book and recommended its restrictive shelving. "This is not to say the book is not valuable — we're not saying that at all," commented Laskey. "The publisher is a very respected publishing house, the author is a respected author."

"My feelings are that I didn't want the book in there," Becky Rockwood said about the decision. "[But] I can't tell other parents what their kids can read, so maybe we'll have to be satisfied with that. In a way, I just wish they'd take it off the shelf, but it's a free country. Hopefully, parents will pay more attention to what their kids are bringing home, what they read."

Partly as a result of the controversy, all of the district's library books were slated to be reviewed by a four-member committee consisting of a parent, teacher, librarian and district administrator. "We're going to go up on a computer system, so it will be the ideal time to do it," Laskey said. "You have to look at all of them anyway." Reported in: *Flint Journal*, September 22, 30.

#### Odessa, Texas

Some Odessa mothers were up in arms over the presence of allegedly Satanic books on Ector County school library shelves. Lisa Patterson, a Cavazos Elementary School parent, said she was concerned that books like *Witch's Sister*, by Phyllis Reynolds Naylor, might lure children into the occult. "A lot of people don't believe that Satanism or the occult is real," she said. "Well it is real and it's here in Midland and Odessa."

Patterson requested in September that *Witch's Sister* be removed from the school library. "My son brought it home," she explained. "He checked it out on library day. He doesn't read anything until he brings it home." A review committee ruled in October to keep the book on the shelves and Patterson appealed to Superintendent Gene Buinger.

"The book was basically about a child with an overactive imagination," said Cavazos Principal Don Norwood. "It was about a little girl who was convinced that her sister was becoming a witch."

Patterson's appeal was joined by Vicki Peacock of Odessa, a Burnet Elementary School parent, who requested removal of three books from that school's library. The books were *Witch Water* and *Witch Herself*, both by Phyllis Reynolds Naylor, and *Black Magic*, *White Magic*, by Gary Jennings. Review committees there also decided to keep the books.

"We have determined that the books were not detrimental," said Burnet Principal Horton Kidd. "We followed the procedure and it goes to the next level if she chooses." Reported in: *Odessa American*, October 17; *Midland Reporter*, November 10.

### Alexandria, Virginia

Calls from residents outraged at an anti-abortion exhibit prompted Alexandria library officials to ban all exhibits not designed by library staff members. But the sponsor of the controversial exhibit charged that the library was attempting to limit his right to free expression. "There is censorship in the library system," said Mark Egger, who designed the "Life is Precious" exhibit with his sister, Katie Wagner.

The exhibit contained plastic models of fetuses in various stages of development and also featured a graphic photo of a fetus with the caption: "21 week baby killed by abortion." The exhibit was displayed throughout September at the library's Burke branch and was at the Duncan branch in October.

The library system had routinely allowed patrons to use bulletin boards to put up information about their interests. Most people used such displays for arts and crafts. But when librarians began getting calls about Egger and Wagner's display, the library was forced to rethink its policy, Deputy Director Margorie Talichet explained.

"We're like apple pie, motherhood and the American flag," she said. "We're a public library, and when we do get people upset, it certainly is time to take a look at whatever policy you've got."

But Egger and Wagner charged that they had been singled out. "If this was a different message, this never would have happened. Egger said that when he complained about a June exhibit on the mayor's "Gay Pride" proclamation, he was told there was nothing that could be done. "But when we put ours up, the policy changed," he said. Egger said the library should honor an agreement to display the exhibit at the Queen Street branch in January.

But library board members said that was unlikely to hap-

pen. City Attorney Phil Sunderland told the board that the library had unwittingly created a "designated public forum." Use of the bulletin board could be regulated, but not its content, he said. Therefore, the board decided to put a moratorium on all outside displays effective November 1.

"People have seen [the anti-abortion display] and gone roaring in and attacked the staff," said board member William Smith. "It's not fair to the employees of the library to take that kind of treatment."

"The point of many people is there are children coming in and out [of the library] who don't need to see this information," added Vice Mayor Patsy Ticer, a library board member. Reported in: *Alexandria Gazette Packet*, October 25.

## schools

### Pine Bluff, Arkansas

Teachers and students at White Chapel High School were upset about a September 9 administrative memorandum ordering teachers not to assign John Steinbeck's *Of Mice and Men* and compelling the collection of all school copies of the book. But despite protests, Superintendent Charles "Danny" Knight said he would not change his decision, even if the district's curriculum review committee recommended the book's reinstatement.

Two years ago, a reconsideration committee of parents, teachers, students and administrators issued an order to remove the book from the required reading list because some parents objected to its language. Several teachers had continued to use it, however, allowing students who objected to read an alternate title. When additional complaints were lodged at the start of the 1989-90 school year, Knight ordered all classroom use of the novel terminated.

"It's tough on a student to be the one person to raise his hand and say, 'My parents don't want me reading this book,' when everybody else is reading it," Knight said. "And if a student does object, what happens when the book is being discussed? He has to go out into the hall with his other book. When does he get taught?"

"As a parent, I object to the language [in the book]," Knight acknowledged, adding that he did not "want to get into a debate on the literary value of the book." Knight insisted that his action "was a matter of a directive," not of censorship. "We haven't banned the book. If it was banned, it wouldn't be on the library shelves available to any student who wants to read it. All we've done is respond to parents who objected to their children being required to read the book."

Senior English teacher Nancy Ward said that teachers' "ideas were never sought out" on the issue. She said a teacher on the 1987 review committee understood the earlier decision to mean that the book could be assigned, but not

required if there were parental objections. "My 12th graders are passionate about this," she said. "They read it two years ago and they're upset that it's not going to be taught."

Dell Wanda Gorman, another teacher, said: "What do you think they'll say about *Ordinary People* or *The Great Gatsby*?" She said people can find objections to many books. "There's no stopping once you've opened this can of worms." Reported in: *Arkansas Democrat*, October 11, 13; *Arkansas Gazette*, October 5, 10; *Pine Bluff Commercial*, October 6, 10.

### Hacienda Heights, California

The Hacienda La Puente Unified School District Board of Education upheld October 24 a temporary ban on a series of reading books that sparked a debate about morbid imagery. The board agreed, however, to reprint and keep teaching some less controversial stories and poems while it evaluates the entire series.

"They have to terminate the whole series," complained Denise Hill, who took her daughter out of class and enrolled her in private school. "We won't be satisfied with them removing just a portion of the books. There are still stories about magic."

The complaints filed by Hill and other parents focused around *Impressions*, a series of reading books used in first through sixth grade. Protests about the books have already occurred in Oregon and Washington, where religious activists charged that the series promotes witchcraft and the occult.

When school officials explained that the books ordered by the board were not the same as the edition that had been received from the publisher, parents who opposed the books responded with cries of "Send them back! Let's get our money back!" They also threatened to picket the district, take their children out of school for a day, and vote out the school board. Reported in: *Los Angeles Times*, October 25.

### Baltimore County, Maryland

A parent's complaint that a three-page retelling of an African-American folk legend was racially insensitive caused the Baltimore County school system to pull a book from its curriculum. The story, "All God's Chillen Had Wings," was included in *The Perilous Journey*, a book used to teach two Greek myths to ninth-grade students. "All God's Chillen" was not required reading.

James R. Pennington, president of the Baltimore County NAACP, said the parent of a Milford Mill High School student was "unnerved" by the story and found it "subjective and repressive." After the parent complained, English department chair Mary Cary issued a memorandum ordering the texts removed from use. "We do not want to include materials which are ambiguous relative to any group of people," her memo said. Cary had all copies of the book packed in boxes and removed to a district materials warehouse. A county school official said the superintendent was not

informed of the removal. But school officials defended the action, adding that the story lacks "literary merit" and "historic perspective."

Morgan State University humanities professor Ralph Reckley, a specialist in African-American literature, said the legend of slaves who literally flew away from their oppression reflects a prevalent theme in much traditional and contemporary black literature. "I am really surprised," he said of the decision. "I can't see why it would be considered racist. It doesn't make any sense to me that someone would see this myth as offensive." Reported in: *Baltimore Sun*, October 18.

### Upper Pittsgrove Township, New Jersey

The parents of a fourth-grade Monroeville School student asked the board of education to remove an edition of *Webster's Dictionary* from use because of sexually explicit definitions contained in the reference work. The mother of the student, Delores Webb, read aloud the definition for sexual intercourse to a board meeting.

"I did not feel comfortable reading the definition out loud to the board," she said, "but I wanted to make a point. I wanted the board members to feel the same shock that I felt when I first read the definition."

Webb said she came across the objectionable definition when looking at her son's dictionary when he brought it home to finish some school work. "He loves books and was showing me his new dictionary. There was a picture of a sextant that caught my eye. Near the picture I noticed the word sexual intercourse and wondered why it was in a book given to a 9-year-old," she continued. "The dictionary states that it is edited especially for young teenagers. My son is not a teenager. He is 9 years old and does not need to know such explicit information."

School board President Dr. Jerry Haag assured Webb that Chief School Administrator William Randazzo would investigate. Randazzo said that the dictionaries were recommended by staff and the school librarian. He said the book would be reviewed by the principal and librarian. The book will be pulled from the classroom if found inappropriate, he promised. Reported in: *Today's Sunbeam*, October 8.

### Shelby County, Tennessee

A Shelby County school board member said September 26 that *Of Mice and Men*, by John Steinbeck, and *A Separate Peace*, by John Knowles, should be removed from reading lists for high school students because the novels contain offensive language. The Shelby County schools serve suburban communities outside Memphis.

Homer Bunker said he would also introduce a resolution to institute a more stringent dress code for students and asked the board to consider school uniforms as a way to achieve discipline. Board members indicated they probably would not support a ban on the books, but might adopt a stricter dress code.

Bunker passed out copies of the books to four other board members, with parts he found offensive underlined. He called the language in the novels "something that would make a sailor blush."

When told that questions about the novels are sometimes included on college placement tests, Bunker said the board should challenge the tests. "We could look like the white knight," he said. "What's wrong with us suing the federal government? You know, a little ol' school system in Tennessee don't like what's being taught, and decides to do something about it." Because board members are ultimately responsible for the curriculum, Bunker said, "we're nothing more than censors when you come right down to it."

Board chair Rubye Dobbins said she also objected to language in the books, "but I do not feel comfortable censoring. I doubt you could even get the members of this board to agree" on what books are appropriate for students. Reported in: *Memphis Commercial-Appeal*, September 27.

## student press

### Washington, D.C.

Editors at a Georgetown University student newspaper suspended publication November 10 after campus officials ordered them not to print an advertisement promoting an abortion rights rally. University officials said *The Hoya's* plan to run the ad was "inappropriate" conduct on a Catholic campus.

*Hoya* editors first voted to ignore the decision, but later complied after they were told that publishing the ad could prompt the university to shut down the paper for a year, dismiss the staff or discipline the editor-in-chief. Instead of canceling the ad, the staff canceled the issue.

"To publish without the ad would have compromised our principles," editor Timothy Flynn said. "The ad represents a political viewpoint, and as such it has a right to be expressed. But the university is saying 'We don't agree with your view, so you have no right to be heard.' As a newspaper, we can't allow that."

*The Hoya's* fight followed several related disputes at nearby Catholic University. In October, Catholic's administration forbade a group of students to form an abortion rights group on campus and also blocked National Organization for Women President Molly Yard from speaking on campus. Catholic University's student newspaper, *The Tower*, published the ad without consulting university officials. That move resulted only in a critical letter to the editor from the administration. At Marquette University, publication of a related ad resulted in disciplinary action against student editors and a university official (see below).

Flynn sent a letter of protest to Georgetown President Rev. Leo O'Donovan. *The Hoya* also distributed fliers across the campus explaining why the paper had not appeared. *The*

*Hoya* and Georgetown's other student paper, *The Voice*, agreed to publish a joint issue about the controversy. Both papers vowed not to publish again until the dispute was settled satisfactorily. "This is an issue of freedom of expression," Flynn said. "Political viewpoints, no matter how repugnant they may be, have a right to be expressed." Reported in: *Washington Post*, November 11.

### Allentown, Pennsylvania

The principal of Central Catholic High School held back distribution of the school's newspaper October 20 because it contained an editorial advocating the legalization of drugs. Principal James Hodrick, who killed the editorial, defended his action by saying Catholic school leaders can't allow publication of material contrary to Catholic principles.

Hodrick called the censorship "strictly a private matter. It was a private matter handled in-house. There are a few things that are sacrosanct," he said. "We're a Catholic institution and have a mission to educate students according to tenets of Catholic faith."

"So what are we supposed to talk about, nuns and priests all the time?" asked a student journalist. The student said that reporters had been told directly not to write anything about drugs, sex or alcohol. About 20 students interviewed by a local newspaper said they were "afraid" to allow use of their names. But all called the decision "totally unfair." Reported in: *Allentown Call*, October 24.

### Milwaukee, Wisconsin

An abortion rights advertisement published in the November 10 edition of Marquette University's student newspaper led to one firing, two student suspensions, and the publication of an apology to readers four days later. "You don't take ads contrary to institutional philosophy or church teachings," explained David Foran, a representative of the Jesuit institution's administration.

Fired was Judith Riedl, business manager for student publications. Suspended from the *Marquette Tribune* staff for the rest of the semester were editor-in-chief Greg Myers and advertising director Brian Kristofek.

"We thought it was acceptable, part of the First Amendment free flow of information to our public," Kristofek said. "It was within the policy as we understood it." He added that the ad was approved by the Board of Student Editors.

Marquette policy allows the newspaper staff to decide on advertising, but with the provision that they are acting on behalf of the publisher, the dean of students. "Campus newspapers are subject to the normal rules of American journalism, which gives publishers the prerogative to determine advertising policy," explained journalism Dean Sharon Murphy. "Any perception and understanding of the university would have said, 'This must be seriously considered and questioned,'" she said.

Student newspaper editors at Georgetown University refused to publish the newspaper when administrators vetoed publication of the same advertisement, placed by a Washington, D.C. group called Mobilize for Women's Lives (see page 12). At Catholic University, publication of the ad brought only a critical letter to the editor from a university administrator. Reported in: *Chicago Tribune*, November 15.

## universities

### New Orleans, Louisiana

When Ice-T, a California rap artist and former gang member, visited Southern University of New Orleans November 2 to give an anti-drug lecture, vice chancellor Andrea Jefferson asked him not to use profanity. He agreed.

"But about ten minutes into his performance he made a profane gesture," Jefferson said. "Then he vocalized that gesture. At that point I stood up and said, 'End it.' A college campus is not the appropriate place for that kind of activity." The gesture came while Ice-T was explaining how he talks to junkies.

"She infringed upon student rights and freedom of speech," said Raynon McKee, a reporter for the student newspaper, *The Observer*. "He came to speak to the students, not to Dr. Jefferson. The man was giving a very powerful, very effective message. The students wanted to hear it, but she did not. If she didn't like it, she should have just left." McKee said about 300 students participated in a protest that evening. Reported in: *New Orleans Times-Picayune*, November 5.

### Springfield, Missouri

*The Normal Heart*, a play dealing with homosexuality and AIDS, ended a six-night run at Southwest Missouri State University November 20 with little mention of the extraordinary controversy that surrounded it. There were no rallies such as those that occurred before the show opened. There were no objections to the state-funded university showing the production. And there was little mention of the fire that destroyed the home of a student supporter of the play on opening night.

Production of *The Normal Heart*, by Larry Kramer, was opposed by State Rep. Jean Dixon, a Republican who says the play has no place at a public university. In October Dixon told the university's regents that "as a legislator of the state of Missouri, who appropriates funds to public education, I will encourage every taxpayer of this state to personally hold education and those who execute that education in this state accountable." Dixon and other opponents of the play collected more than 5,000 signatures on a petition opposing its production.

Opposition to the production polarized the entire Ozark Mountains region of southwest Missouri. Demonstrations were held for and against the production, which sold out its

entire run in less than four hours. Mark Joslyn, a student who portrayed a young *New York Times* reporter who dies of AIDS in the play, said he feared for his safety after Brad Evans' home was destroyed by arson November 15. Although police could not connect the arson to Evans' vocal activities in support of the play, most backers of the production assumed a connection.

Among those voicing support for the production was Southwest Missouri State alumna actress Kathleen Turner. "One should have access to any and all information," said Turner, whose mother lives in Springfield. "To withhold information is tyranny." Dixon said she was not surprised by Turner's comments. "What else would we expect when you see the immoral productions that are coming out of Hollywood today?" she said. Reported in: *Springfield News-Leader*, November 5, 7, 20, 21; *Birmingham Post-Herald*, November 10.

### Medford, Massachusetts

Tufts University's student handbook was a few weeks late this past fall. The administration refused to distribute the original handbook, the *Pachyderm*, citing several typographical errors, and ordered a reprinting. But student editors claimed the university redid the handbook because of what administrators considered offensive humor in its original version.

Dean of students Bobbie Knable said that in the course of having the book reprinted she did change some of the jokes that "did not necessarily fit the book's purpose," but denied that was the purpose of the reprinting. "It was basically a good book," said Knable. "It was marred by errors in production, and we felt we had to correct them."

About a dozen subtitles and picture captions were changed. For instance, the subtitle for the section of the book on rules was changed from "Love 'Em or Leave" to "Rights, Regulations and Responsibilities," and the title for the section on religious organizations, which originally read "Oh God," now reads "From Here to Eternity." The subtitle on dining centers was changed from "Stuff Your Face — Line Forms to the Right" to "Finding Your Food."

Debra Moss, one of three student editors, said Knable used the typographical errors to change the subtitles. Another student editor, Peter Chianca, said the jokes "livened up" the book. "I figured some people might have a problem with them, but I figured they'd tell us if they did and we'd fix them," he said. Reported in: *New York Times*, September 25.

## 'The Last Temptation of Christ'

### Montgomery, Alabama

The battle over the controversial film, *The Last Temptation of Christ*, directed by Martin Scorsese, continued in Montgomery last October — this time over its showing on

cable television. The film, aired on the Cinemax channel by Storer Cable Communications, was the subject of protests by individual citizens and Mayor Emory Folmar.

After its first showing, the cable company received 50-75 phone calls. "I would guess that most of them are against it," said Storer general manager Jack Gilbert, who also opposed the showing. "I personally object to it," he said. "From a business standpoint, it was a poor decision to show it. Were it my decision, we would not have shown the film. Our contract with them [Cinemax/HBO] does not allow us to delete programs."

Mayor Folmar, whose office received about ten calls protesting the showing, participated in a religious rally against the film earlier in the year when it was shown at a local theater. The mayor called *Last Temptation* "a deplorable movie," but said the city had no control over its cable airing. "If we did, we would do our best to make sure that cable not show it," he said.

Informed that elsewhere the Multimedia company, which also publishes the *Alabama Journal* and the *Montgomery Advertiser*, had refused to show the movie on its cable systems, prompting a \$1 million lawsuit (see page 14), Folmar said: "I applaud Multimedia's decision not to show it. I'd like to serve on the jury in that case." Unlike Storer, Multimedia has the option in its contract with Cinemax to delete programming. Reported in: *Alabama Journal*, October 4.

### Fresno, California

A plan to show *The Last Temptation of Christ* as part of a regular film series at the Catholic Newman Center at Fresno State University was scrapped by Bishop Joseph Madera after protests. "I have always resented the fact that they made a movie of Jesus in that context, which is in very poor taste and offensive," Madera said.

Madera said the film is offensive "not only to Christians, but for all decent human beings, using the figure of Jesus with such an irreverent approach." Madera compared the film to "yellow journalism," and said, "I have always expressed my disappointment in the fact that the movie was going to be shown at the Newman Center. I was not informed before plans were made."

Before the Bishop's order, the Newman Center published a statement, signed by Revs. David Norris and Terrence Beer, explaining its position on the film showing. "Our showing of this film was publicized only to our parish community, with no intention of promoting or inviting controversy. Our intent is to encourage a deeper, more mature faith among those entrusted to our pastoral care."

"Some within and outside our parish community impute other motives to this program without any familiarity with the role of campus ministry. We regret their narrowness of viewpoint, even as we defend their freedom of expression to present their objections civilly and honestly," the statement continued. "We trust that those persons who object

to the showing of this film will recognize that same constitutional freedom for us and try to recognize the positive effects that we hope for in the viewing and discussion of this film."

Bishop Madera said the film could be shown by the ministers "somewhere else, not on diocesan property." Reported in: *Fresno Bee*, October 26.

### Wichita, Kansas

Angry salvos were fired by cable subscribers, video store owners and religious groups September 26 after Multimedia Cablevision announced that it would blackout a showing of *The Last Temptation of Christ* on the Cinemax channel on cable systems in Kansas, Oklahoma, and North Carolina. "I think it's outrageous, absolutely," complained Mark Thomas, a Wichita cable subscriber. "It's like they don't think we're sophisticated or intelligent enough to decide what we should or should not see."

"They can show movies that depict violence and a certain amount of sexuality," added James Hocutt. "But for some reason, bringing in a religious issue is a hot potato. That doesn't make sense to me." The Rev. Jim Bell, executive director of Interfaith Ministries of Wichita, said his agency opposed the decision because it amounted to censorship.

Ben Sciortino, a Multimedia official, said his office had received about 60 phone calls, which were about evenly divided on the issue. He said the criticism would not cause the company to reconsider its decision not to air the film because it "contradicts the social norms of the community."

"After personally screening it, Multimedia Cablevision's management has decided not to show it," Sciortino said in a press statement. "There is a clause in our agreement with Cinemax that allows us the right to do this. We realize we can't please 100 percent of our viewers 100 percent of the time. We feel the decision we made today would offend the least amount of our subscribers."

The Multimedia decision affected subscribers in Wichita and five other communities in Kansas and 82 other Multimedia-owned systems in Oklahoma and North Carolina. No decision was made for the company's 18 franchises in Illinois.

Multimedia said that any of its subscribers who wanted to see the film could rent the video before December 31 and be reimbursed up to \$3 by Multimedia. Because of past controversy, however, only a handful of stores in Wichita have the film available. Of those, none keep it on public shelves and none will admit over the telephone that they have it.

"We keep it behind the counter and quietly rent it to people who ask for it specifically," said one Wichita store owner. "People hear about it through their friends. If it gets publicized in the paper that we have it, we'll pull our copies because we don't want to create any controversy."

In Oklahoma, one disgruntled cable subscriber filed a \$1 million lawsuit against Multimedia, charging that the deci-

sion not to show the film infringed the religious rights of its subscribers. Reported in: *Wichita Eagle-Beacon*, September 26, 27; *Alabama Journal*, October 4.

#### **Bossier City, Louisiana**

After pressure from one of the area's largest churches, United Cable Television of Bossier City blanked out Cinemax airings of *The Last Temptation of Christ* October 6, 10, 18 and 23. United Cable general manager Jeannine James said she received about 18 complaints, including five requests to disconnect service. She also was visited by a delegation from the First Baptist Church of Bossier.

"We've compromised," James said. She noted that she had not heard from supporters of the film "so we have to assume we're hearing the majority of opinion. We showed the film the first night, allowing those who wanted to see it an opportunity to do so." Reported in: *St. Petersburg Times*, October 6.

#### **Harford, Maryland**

A group of Harford seventh-graders launched a campaign in October to force the removal of *The Last Temptation of Christ* from Harford's cable television service. The eleven students, who attend Confraternity of Christian Doctrine classes at St. Patrick's parish, accumulated 214 signatures on a petition that they mailed November 1 to Comcast Cablevision. The petitioners agreed not to watch Cinemax during the month of November in protest of the showing of the movie unless a "responsible act" is taken by Comcast and/or Cinemax. The students' teacher, Sharon Buono, said the youngsters decided on their own to begin the petition campaign because they objected to the film's depiction of Jesus Christ as a "weak, confused man." Reported in: *Bel Air Aegis*, November 1.

#### **Albuquerque, New Mexico**

La Cueva High School fielded dozens of phone calls October 19 from people upset that teacher Joyce Briscoe showed the movie *The Last Temptation of Christ* to fifty college-bound seniors in her two enriched world history classes. Briscoe said she showed the film because it fit in with the students' studies about "why Christianity triumphed over Greek philosophy." After watching the movies, students had "a wonderful class discussion" about it, she said.

Briscoe, recently featured on the Disney Channel's "Salute to the American Teacher," played the film over several days, with a break in the middle so that students who didn't want to finish watching it could get another assignment. A few weeks earlier, Briscoe asked students to get written permission from their parents to watch the film and encouraged parents with questions to call her. The teacher talked with several parents, and all but one student got permission to see the movie.

Many of those who called the school to complain about the showing were members of "fundamentalist Christian churches," said Briscoe, who answered several calls herself. None of the callers she spoke with had seen the movie, she added.

Candice Benavides, a parent whose child is too young to attend the school, said she called to voice her concerns. "It's not a documentary, in the first place," she said. "It has a lot of false information in it. I just don't see the point of showing it, other than to make a big stir."

But Amir Goldman, a student who watched the film, said the class found it appropriate. "After seeing it, I don't understand what the controversy is. I don't think it challenges anyone's beliefs," he said. Goldman said the film helped illustrate why people turned from philosophy to religion when the Roman empire fell apart.

"The people who I think are very religious stressed that the film bothered them a little because it didn't agree with the Bible," he said. "But Ms. Briscoe clarified that the movie is not supposed to be an interpretation of the Bible. I think everyone in class understands that. We see it for what it is — a movie. That's all it is."

Briscoe said she considers the debate over the film's showing "a case of harassment against academic freedom. School should remain an open forum for the discussion of ideas that should not be restricted by special interest groups." Reported in: *Albuquerque Journal*, October 20.

#### **Norman, Oklahoma**

An October 24 showing of *The Last Temptation of Christ* as part of a religious film series at the St. Anselm (Episcopal) Ministry Center drew a picket line from an unexpected source: the Islamic Society of Norman.

Mohamed Elyazgi, financial secretary of the group, said Jesus, Abraham and Moses are included with Mohammed as prophets in Islamic belief. "We respect them all and honor them all, and any images that will lower their respect in the eyes of the people — we're not going to take that," he said.

Nora Cranford, visiting from her home in Tennessee, said she joined the Islamic protest after she didn't see any Christians demonstrating. Cranford said she had not seen the film, but knew that "I just completely detest the movie." Reported in: *Oklahoma City Oklahoman*, October 25.

#### **Texarkana, Texas**

A prominent Texarkana minister said October 3 that a local group's efforts to remove *The Last Temptation of Christ* from local cable television was aimed at the wrong target. The Rev. Mike Huckabee of Beech St. First Baptist Church criticized the Texarkana Civic Affairs Conference's (TCAC) attacks on Dimension Cable Services of Texarkana for allowing the Cinemax channel to show the film. He said that the group's effort to encourage cable subscribers to cancel their basic cable subscriptions "would harm the whole entire Christian belief."

"They're attacking the wrong target," said Huckabee, whose church produces and broadcasts a regular religious program on Dimension. "The anger should be expressed at Universal Pictures and Cinemax, not action that hurts the decent channels and the people that work for the local cable company who probably don't like this movie any more than the general public. . . . I agree that the movie is blasphemous and despicably offensive. But is pulling the plug on the only Christian channel a reasonable response?"

TCAC President Bill Hopkins said it was. "They didn't have to show that thing. Dimension Cable can stop this whole thing, and they're not willing to give an inch." Reported in: *Texarkana Gazette*, October 4.

### Waco, Texas

Baylor University President Herbert H. Reynolds on October 24 canceled a planned showing of *The Last Temptation of Christ* in a motion picture history class. Reynolds had previously approved showing the film to a class of 49 students, but in a statement he said the cancellation was "the correct thing to do."

"Baylor University's commitment to the cause of Christ must transcend any concerns by those who place paramount importance on unlimited inquiry in the academic setting," Reynolds said.

Waco theaters never showed the film, and only one of the city's video rental stores offers it. In October, Cablevision of Waco was one of several cable companies around the country that blacked out showings of the movie on the Cinemax channel.

Terry Meier, the assistant professor of communications studies who planned to show the film, said that the controversy surrounding it was a "perfect example of censorship in the 1980s." But Meyer said he could not comment on Reynolds' decision to pull the movie from his class.

Baylor trustee John Wood, pastor of the First Baptist Church of Waco, had agreed to sit in on the class and discuss the film with the students. Wood said he did not talk to Reynolds about the showing, but agreed with the decision to cancel it. "I'm not surprised," Wood said. "Dr. Reynolds weighs every facet of a situation and tries to come down on the right side. He has a pretty good record of doing that, and I don't think anyone will question his judgment."

"Yes, I see it as a form of censorship," Wood continued. "But a most appropriate kind of censorship. As a university, one goal is to get all the information out that you can to the students and let them make decision; we can't make decisions for the students. But we don't want to give them the wrong information. There is a natural tension that exists between being a Christian school and a major university. We want to be a solid Christian school." Reported in: *Waco Tribune-Herald*, October 25.

## periodicals

### Jacksonville, Florida

Since May 11, 1989, when the Florida chapter of the American Family Association (AFA) began a campaign of letter-writing, picketing, and boycotts against adult movies and periodicals, Holiday Inns in Jacksonville, Jacksonville Beach, Orange Park, Palatka, Ocala, New Port Richey, Plant City, Lake City and Jennings, Florida, have eliminated adult pay television channels previously available to their guests.

Meanwhile, Georgia-based Suwannee Swifty Stores and Lake City-based S&S Food Stores stopped selling adult periodicals. Suwannee Swifty has 188 stores in Georgia and northern Florida; S&S has 35 stores in Florida. Marion Folsom, chief executive officer of the Suwannee Swifty chain, denied the decision came in response to the AFA's campaign. But AFA state director David Caton has a letter written by company president James Moore on June 19 promising the removal of all magazines protested by the association. Moore's wife is president of AFA's Columbia County chapter.

The association said it would next target Jacksonville-based Lil' Champ Food Stores, but officials of that chain said they had no plans to remove the magazines. "It's corporate blackmail," said Lil' Champ executive vice president Victor Jackson. "They can picket 'til the cows come home," added company president Eddie Jackson. "As long as it's legal with the sheriff's department and the federal government, we'll continue to sell them. If you want someone to tell you what you can and cannot read, you can go to Cuba or you can go to Russia." Reported in: *Florida Today*, September 19; *Gainesville Sun*, June 29.

### New York, N.Y.

Responding to consumer complaints, several department store and grocery store chains removed seven women's magazines from their shelves in September because the publications contained an ad showing nude women. Wal-Mart, a chain of 1,326 discount stores in 27 states; Kroger's Louisville, Kentucky, division, with 250 supermarkets in the Southeast; and the Lucky's chain of 600 supermarkets in California were among the companies that objected to an ad for Nivea moisturizing lotion and cream. The magazines were *Cosmopolitan*, *The Ladies' Home Journal*, *Elle*, *Glamour*, *Vogue*, *Mademoiselle* and *Redbook*.

Brenda Lockhart, public relations coordinator for Wal-Mart in Bentonville, Arkansas, said the ads did not meet the standards for items sold in the chain. "We had a few calls," she said. "I don't even know how many." Lockhart maintained, however, that the company would have pulled the magazines regardless of public reaction.

According to John Harrington, president of the Council for Periodical Distributors Associations, the action affected about 15 percent of the magazines' circulation. "The only place we didn't hear anything about it was the Northeast,"



he said. "It is not uncommon for protests to be made about an ad or a story in one publication, but this is the first time I can remember when it happened to this many magazines at one time."

"Women's magazines tend to be stylishly sexy," Harrington continued. "If you pick up any so-called high-fashion magazine you might see a number of ads that could be even more suggestive than this one. We warned the chains that they're opening the door to losing control of their stores if they submit to this kind of pressure, but I think this is an example of how publishers cannot rely on these retailers to protect the First Amendment."

Nivea agreed to replace the ad with a less controversial version and Harrington said he expected the chains to resume sale of the magazines. Reported in: *ABA Newswire*, October 16; *Arkansas Gazette*, September 29; *Hartford Courant*, October 22; *Louisville Courier-Journal*, October 10; *New York Times*, September 28.

### Austin, Texas

H.E.B. grocery stores refused to allow copies of the weekly *Austin Chronicle* in seventeen area supermarkets in the wake of complaints by anti-pornography activist Mark Weaver that personal ads published in the newspaper promote homosexuality and promiscuity. An H.E.B. representative said October 4 that the supermarket had ordered the publication removed because the ads were too graphic. "The explicit nature of the classified [in the *Chronicle*] was probably the deciding factor . . . whether it's men seeking men or women seeking men," he said.

The *Chronicle* is distributed at no charge in 500 outlets around Austin. Publisher Nick Barbaro said the 8-year-old paper has a circulation of about 50,000 copies, with about 2,000 delivered weekly to H.E.B. by a San Antonio-based distributor. Barbaro said that H.E.B. had the right to pull the periodical, but added that he might call for a retaliatory boycott of the San Antonio-based grocery chain.

"I hate to see them cave in to that kind of pressure with the feeling they're not going to get any pressure from us," Barbaro said.

Weaver, an ordained Baptist minister who heads the Texas branch of Rev. Donald Wildmon's American Family Association, charged that the personal ads promote promiscuity, homosexuality, and contribute to the spread of AIDS and other sexually transmitted diseases.

Barbaro defended the ads, however. He noted that the rules for submission tell advertisers: "Don't be gross. We edit on a totally arbitrary basis. . . No obscenity or descriptions of sexual acts." The newspaper, whose editorial content is not sexually oriented, also prohibits offers of money for sexual services. The publisher said the paper probably rejects one or two ads each week.

Barbaro said he would not consider eliminating the ads, which have generated occasional complaints and resulted in the paper being pulled from at least two other outlets. He

said H.E.B. was a logical target of Weaver's efforts since it had previously removed a singles-oriented magazine from its San Antonio stores. "It's a conservative company," Barbaro said, adding, however, that he thought H.E.B. went along with Weaver's request primarily because of concern about a possible boycott. Weaver denied that he had threatened a boycott, but he did vow to encourage the removal of the *Chronicle* from other "family-oriented environments." Reported in: *Austin American-Statesman*, October 5.

## advertising

### Miami, Florida

Striking machinists at Eastern Airlines wanted to advertise their complaints about the airline to travel agents at a convention in Miami, but a radio station rejected their ad, prompting union leader Charles Bryan to charge censorship. Bryan said October 25 that WIOD-AM accepted \$1,864 for a union ad attacking Eastern's reputation for customer service. WIOD aired the ad several times the previous day, but then pulled it and returned the union's check.

"They did not give us an explanation," said Bryan. He said the station had been urged to drop the ad by "the corporate presence of a big player. This to me is the ultimate censorship."

Jeff Clark, WIOD's sales manager, said the spot was sold by a representative who did not know the station's policy on issue-oriented advertising. "I don't take issue-oriented advertising unless it is on the ballot," he said. "It wasn't until after the spot aired that I was even aware of it." Clark said no one at Eastern called to complain. "That would have nothing to do with it anyway."

Bryan said the union's ad was accepted by WNWS-AM and rejected by a third station he did not identify. Reported in: *Ft. Lauderdale News*, October 26.

### Atlanta, Georgia

It's not just abortion or Satanism that causes advertisers to pull their commercials from TV programs. Trees can do it too. All nine companies that bought advertising for a September 24 "World of Audubon" special, "Ancient Forests: Rage Over Trees," on Turner Broadcasting's Atlanta superstation, WTBS-TV, pulled their ads at the last moment.

Turner Broadcasting had received numerous calls from loggers protesting that the program, which dealt with the controversial cutting of ancient timber stands on public land in the northwest, would be one-sided.

Among the advertisers were Sears, Stroh Brewing Co., and Ford. Stroh also had underwritten \$100,000 of the \$300,000 budget for the quarterly series of Audubon specials, but the company canceled the arrangement, citing a restruc-

turing. Loggers had threatened to boycott Stroh's beer if it continued to fund the programs.

The special ran with public service announcements instead of the nearly nine minutes of scheduled advertising. Turner declined to estimate how much money it lost on the program.

"We presented the lumbermen's and sawmill operators' side of the case and the environmentalists' side of the case," said Audubon Society president Peter A. Berle. "While it [the program] has an environmental orientation, we think it represents both sides of the issue." Reported in: *Chicago Tribune*, September 26.

### **Richmond, Virginia**

A national anti-abortion group is up in arms over what it called "censorship" by eight television stations of commercials the group wanted to air in Virginia, attacking Governor-elect L. Douglas Wilder during the election campaign. Officials with the National Right to Life Committee said November 2 that the stations wouldn't accept two 30-second spots from a sister group, the Virginia Society for Human Life.

"Most Virginians right now are not hearing both sides of the abortion issue, and that's not how the political process should work," said Nancy Myers of the national group. The commercials accused Wilder of supporting abortion as a method of birth control, abortions in late pregnancy, and the barring of potential fathers from all rights concerning the abortion decision. Advertising by the National Abortion Rights Action League ran on the most of the stations, the group charged.

Two station officials disagreed that the decision not to carry the ads amounted to censorship. "We asked them to substantiate their claims before we would accept it. They didn't do it. They came back to us with a different spot," said Joseph Lewin of WXEX-TV. "We have no obligation to accept any advocacy advertising; we want to make sure everything in there is true." Lewin said the station had run commercials from the group before.

Richard Pegram, general manager of WTVR-TV, said his station generally tries to avoid airing commercials by a third-party political action committee that paraphrase a candidate's position. "Many times we found the statements are not true," he said. "We prefer the candidates state the issues [themselves]." Reported in: *Richmond News-Leader*, November 3.

### **Seattle, Washington**

Protesting removal of their ad placards from the sides of city buses, about fifty anti-abortion activists picketed outside the Washington Transit Advertising Co. (WTA) October 19. The ad showed a floating 17-week human fetus and said: "Enjoy Life: Good Things Come in Small Packages." The ad appeared outside and inside many buses in King and Thurston counties.

Mary Jo Kahler, executive director of Human Life of

Washington, said the company canceled the ads mainly because of pressure from the Seattle office of the National Organization for Women. She charged the company with renegeing on a contract with her group by bowing to NOW's lobbying efforts. "They do not have a right in free America to censor free speech," she said.

"We told the client from the get-go if there was too much controversy we'd pull [the ads] down," countered Jann Blackburn, president of the advertising firm. She noted that her contract with Human Life contained a provision allowing cancellation of the contract at any time. She said the ads were pulled because some fifty callers phoned expressing opposition, not because of NOW lobbying.

However, in a letter from WTA regional manager Pam Olah to the advertising consultant who signed the original contract, Olah said the ads would be pulled if "WTA staff became overloaded fielding phone calls and responding to letters." The letter then stated: "We have been informed of a subsequent letter and phone call campaign to be instigated toward our company, initiated by . . . the Seattle chapter of NOW. Because of this, we need to be responsive to the public at large and therefore we will be removing the Human Life signs from the buses this weekend."

WTA and NOW have no right "to deny us access to channels of communication in the free marketplace of ideas," Kahler countered. "Free speech is the No. 1 article in our Bill of Rights. Controversy is not a reason for censorship." Reported in: *Seattle Post-Intelligencer*, October 20.

## **art**

### **Montgomery, Alabama**

Mayor Emory Folmar ordered a painting by a Montgomery artist removed from an exhibit at a city-owned art gallery September 25, saying it was too suggestive and unsuitable for children to view. The mayor said three people complained about the painting which was part of a show by artist Dennis Sears.

The painting, called "Television Evangelism," is of a clothed woman bathed in light similar to that cast by a television screen. The woman's hands are on her breast and groin. A shadowy figure in the background stands beneath a printed passage from Song of Solomon.

"TV evangelists have let sexuality get in the way of their messages," Sears said. "The idea of someone listening to them and reading parts of the Bible and being stimulated in some way is interesting, I think."

"Apparently he [Mayor Folmar] feels he has the final say so in art in any public establishment," added Sears. "If there's any blame to place, I place it on narrow-minded officials. I consider this work part of the body of work; taking this out destroys the continuity."

Martin McCaffery of the Civil Liberties Union of Alabama, said the removal was a case of censorship. "The mayor seems to have some fear of freedom of thought in this town," he said. "It's a rather reprehensible action, but it may be within their power."

The showing was at a gallery in the city-owned Armory Learning Arts Center operated by the Arts Council, a private non-profit group. Artists sign a contract with the Arts Council that provides for the removal of works deemed objectionable or offensive by a screening committee.

But Becky Mullen, director of the Arts Center, said Sears' work had not gone through the normal screening process because of a breakdown in communications. While she described the banned work as "challenging" rather than "offensive," Mullen stressed that it "wasn't screened, and it was just two weeks before people were offended by it. This is a family-oriented gallery as the mayor stated."

Mullen declined to comment on whether the painting would have been removed from the exhibit if it had been screened. Asked if gallery officials would fight to keep on exhibit a work that had been screened, Mullen said she didn't know.

Another painting in the show, "Model, Migration and Miles Davis," was vandalized before the show opened. A woman's bare breasts in the painting had been painted over, her nipples and teeth partially scratched out, Sears said. The artist repaired most of the damage and the painting remained on exhibit. Reported in: *Alabama Journal*, September 27; *Montgomery Advertiser*, September 27.

## book burning

### Denver, Colorado

Angered by published allegations about Martin Luther King, Jr.'s, sex life, supporters of the slain civil rights leader on October 13 burned a copy of a book in protest. Staff members and friends of the *Denver Cosmopolitan Advertiser*, a minority newspaper, burned a copy of *And the Walls Came Tumbling Down*, a memoir by King associate Rev. Ralph D. Abernathy. The book alleges that King was involved with three women in the final hours before his 1968 assassination in Memphis.

"Whether we're black, white, yellow, green, blue, Jewish or Gentile, he's done a lot for all of us," publisher E. Napoleon Walton said of King. "This [book] slanders everything he stands for."

Abernathy's book attracted wide criticism from African-American leaders, including former King associates. Twenty-seven people, including Atlanta Mayor Andrew Young and Jesse Jackson, issued a joint statement declaring the book filled with "gross inaccuracies and painful distortions."

Walton said he and his supporters asked people not to buy the book and would encourage bookstores not to sell it. If people want to read it and draw their own conclusions, they should borrow it from the library, he said.

Walton said he had no problem with burning the book. "This is the most dramatic way we could think of to tell people not to buy the book and to ask stores not to sell it. He [Abernathy] has his freedom of speech, and we have our freedom to burn it." Reported in: *Denver Post*, October 14; *Rocky Mountain News*, October 14.

## foreign

### Dublin, Ireland

Irish citizens can now learn all they want about *The Joy of Sex*. A 15-year ban on the book was lifted by the Irish Censorship of Publications Board. The book by Alex Comfort was first banned in 1974. The ban was lifted briefly in 1986 but reimposed until it was lifted again in October. Reported in: *New York Post*, October 16.

### Johannesburg, South Africa

Despite recent tolerance of some forms of political opposition, the South African government cracked down last fall on anti-apartheid newspapers. The Catholic Church-owned *New Nation* was given until November 15 to show why it should not be closed down. The editors of the South African Press Association news agency; the biggest daily, *The Star*; and the largest black daily, *The Sowetan*, were served with summonses to reveal names of sources or face prosecution.

The government also informed the editor of Cape Town's *Argus* that his daily newspaper was being investigated for contravening media regulations by publishing stories concerning people in detention and protests against apartheid on beaches.

South Africa also banned from state radio and television a song by American singer Tracy Chapman praising jailed black leader Nelson Mandela. The South African Broadcasting Corp. said the song "Freedom Now" was "undesirable for broadcasting." Reported in: *Washington Times*, November 10; *Wall Street Journal*, November 1.

### Bangkok, Thailand

The police said November 16 that they were banning distribution of *The Asian Wall Street Journal* because of an article that they said had insulted the leader of Thailand's predominant Buddhist faith. "The paper will be allowed to be sold again if it makes a request to the police," said a police representative. Reported in: *New York Times*, November 17. □

(decade of censorship . . . from page 8)

All of these attacks — whether on books, magazines, tv, movies, or any other medium of communication — have one thing in common. They all presume that words and images are powerful; that they affect the way people think and act, and, therefore, are capable of doing great harm. Defenders of the First Amendment never deny that speech is powerful. Nor do we quarrel with those who say speech may influence what we are or what we hope to be. But to suggest and/or to advocate that we ought to suppress speech because of this power is, to say the least, a very, very, dangerous precedent.

There is nothing particularly new about this rationale for censorship. Long ago, kings and queens and the church insisted on the social necessity of controlling information because people did not know what was good for them. But, in the United States in the 80's, advocates of censorship have taken advantage of legitimate public policy concerns about the welfare of children, the rights of women and minorities, and the survival of the family to push their fight to suppress any and all material that they dislike. And while ACF does not argue with any of these broader concerns, we believe that any restrictions on access to protected material is likely to cause problems far worse than they are meant to cure. Once one group is permitted to ban material what is offensive to it, there are no grounds for preventing other groups from making the same demand and no limit to what may be suppressed.

What has distinguished the 80's as a decade of censorship has been the gradual erosion of support for the pro-First Amendment and anti-censorship positions. This period has seen a shift in the debate from a discussion of the dangers of censorship to the threats posed by too much freedom. The 80's became a time when some Americans were no longer content to allow their fellow citizens to decide for themselves what to read or see. They decided to do it for us.

Everyone in the business of distributing constitutionally protected material — as well as any citizen concerned with the erosion of First Amendment rights — must not be defensive in the face of attacks by these pro-censorship groups. We must communicate that the distribution of material does not in any way constitute our approval and/or endorsement of its content. We must tell the censors that we will fight back. We must insist that under our system of government, the distribution of unpopular works is not just a right — it is an affirmative duty. □

**Support the Freedom  
to Read**

(bibliography . . . from page 36)

- Kister, Ken. "Censorship in the Sunshine State: Florida Libraries Respond." *Wilson Library Bulletin*, November 1989, p. 29.
- Knoll, E. "Print in Prison." *The Progressive*, Vol. 53, July, 1989, p. 4.
- Lee, Martin A. "Human Rights and the Media: An Overview." *Extra!*, Vol. 2, Nos. 7-8, Summer, 1989, p. 2.
- Lukens, Michael B. "Catholic Oaths and Academic Freedom." *The Christian Century*, Vol. 106, No. 32, Nov. 1, 1989, p. 982.
- Marsh, Dave and Phyllis Pollack, "Wanted for Attitude." *The Village Voice*, Vol. 34, No. 41, October 10, 1989, p. 33.
- Mackinnon, Catherine. *Toward A Feminist Theory of the State*. Harvard University Press, 1989.
- MacNeil, Neil. "The First Congress: The Crowning Achievement." *Constitution*, Vol. 1, No. 5, Fall, 1989, p. 46.
- "Mr. Frohnmayer's Wall." *The Village Voice*, Vol. 34, No. 47, November 21, 1989, p. 3.
- Murray, W. "To the Left of Zero" [Mexican newspaper editor killed], *The New Yorker*, Vol. 65, July 31, 1989, p. 57.
- O'Reilly, Kenneth. *Racial Matters: The FBI's Secret File on Black America, 1960-1972*. The Free Press/MacMillan, 1989.
- "NEA Under Seige." *Museum and Arts Washington*. Nov./Dec., 1989, p. 53.
- Perreault, John, Arlene Raven, Kim Levin and Robert Atkins. "No Business As Usual: Critics Smell the Censor." *The Village Voice*, Vol. 34, No. 47, Nov. 21, 1989, p. 109.
- Peterson, George. "Censored: Book Too Hot To Handle" [re: *The Assassination of Gorbachev*], *The Spotlight*, Vol. 15, No. 45, Nov. 6, 1989, p. 19.
- Phelan, John M. *Apartheid Media: Disinformation and Dissent in South Africa*. Lawrence Hill, 1987.
- Preston, Julia. "How I Helped Send A Cuban Human Rights Leader to Jail: Once Again Castro Shows No Tolerance for Dissent." *The Washington Post National Weekly Edition*, Vol. 7, No. 1, Nov. 6-12, 1989, p. 25.
- Regen, Richard. "Flinching and Fear: Is The Art World Doing Jesse Helms' Work For Him?" *The Village Voice*, Vol. 34, No. 42, Oct. 17, 1989, p. 29.
- Ridgeway, James and Bettina Miller, "Czechmate." *The Village Voice*, Vol. 34, No. 44, October 31, 1989, p. 22.
- \_\_\_\_\_. "The Wall in Twilight: Lighting Candles with the East German Underground." *The Village Voice*, Vol. 34, No. 42, Oct. 17, 1989, p. 18.
- S. F. Rohde, "The Sounds of Lawsuits: Rock Lyrics on Trial." *USA Today* (Periodical), Vol. 118, July, 1989, p. 86.
- Ross, Andrew. *No Respect: Intellectuals and Popular Culture*. Routledge, 1989.
- Shaw, Peter. *The War Against the Intellect: Episodes in the Decline of Discourse*. University of Iowa Press, 1989.
- Suozi, Michael. "Comrades on Campus." *The New American*, Vol. 5, No. 23, November 6, 1989, p. 7.
- Sykes, Charles J. *Profscam*. Regnery Gateway. Washington, D.C., 1989.
- Theoharis, Athan G. and John Stuart Cox. *The Boss: J. Edgar Hoover and the Great American Inquisition*. Temple University Press, 1989.
- Trebay, Guy. "Porn Again." *The Village Voice*, Vol. 34, No. 42, October 17, p. 17.
- Trillin, Calvin. "Uncivil Liberties." *The Nation*, Vol. 249, No. 15, November 6, 1989, p. 518.
- Vance, C.S. "The War on Culture." *Art in America*, Vol. 77, Sept., 1989, p. 39.
- Welzenbach, Michael. "Cut Rate Culture." *Museum & Arts Washington*, Nov./Dec., 1989, p. 28.
- Wills, G. "In Praise of Censure." *Time*, Vol. 134, July 31, 1989, p. 71.

## from the bench



### U.S. Supreme Court

Without comment, the U.S. Supreme Court on October 2 declined to hear the appeal of anti-pornography activist Andrea Dworkin of a \$150 million libel suit against Larry Flynt and *Hustler* magazine. The case of *Dworkin v. Hustler* had been dismissed by the U.S. Court of Appeals for the Ninth Circuit. That court, affirming the Supreme Court's 1988 decision in *Falwell v. Flynt*, held that satire is protected by the First Amendment. "Dworkin errs by limiting opinion to high-minded discourse," the appellate court wrote.

First Amendment attorney Bruce Sanford said the Dworkin decision reaffirmed the high court's ruling in the *Falwell* case. "The court has said you cannot do an end run around libel law by calling it something else," he said. Reported in: *Editor and Publisher*, October 14.

### libraries

#### Oxford, Mississippi; Tampa, Florida

Allowing the use of a library auditorium by a women's group, whose purpose is to preserve, protect, and promote traditional and Judeo-Christian values through education, legal defense, legislative programs, humanitarian aid, and related activities, would not violate the Establishment Clause of the First Amendment, in the absence of evidence that religious groups would dominate use of the auditorium, a panel of the U.S. Court of Appeals for the Fifth Circuit ruled September 14.

The decision came in a case where the Concerned Women for America (CWA) and, more specifically, its Mississippi representative, Jolene Cox, sought to use the Lafayette Coun-

ty and Oxford Public Library auditorium for a CWA Prayer Chapter meeting. Librarian Dorothy Fitts had refused to permit the meeting because the library's auditorium policy states that the room is "not available for meetings for social, political, partisan or religious purposes. . . ."

CWA and Cox filed a complaint for injunctive relief against the library, arguing that Fitts' denial violated the First Amendment. After a hearing, the district court found that the library, by opening its meeting room in the past to groups "having little to do with the Library's educational and artistic mission," had created, perhaps "unwittingly," a public forum. The injunction was granted, and the library appealed.

The three judge panel unanimously upheld the district court decision. "We agree with the district court's holding that CWA has shown a substantial likelihood of proving that the library has created a public forum by allowing diverse groups to use its auditorium," Judge Grady Jolly wrote.

"It is an elementary rule that the government may not exclude speech on the basis of its content from either a traditional public forum or a forum created by government designation, unless the exclusion is necessary to serve a compelling state interest which cannot be served by a less restrictive action," Jolly's opinion said. "There is no evidence that CWA's meeting would disrupt or interfere with the general use of the library."

Although the library had argued that the First Amendment's Establishment Clause allowed it to limit religious meetings — as long as the limitation was applied across-the-board to all forms of religious belief — the court ruled that "in the absence of empirical evidence that religious groups will dominate use of the library's auditorium, causing the advancement of religion to become the forum's 'primary effect,' an equal access policy will not offend the Establishment Clause."

The decision cast a shadow over the ALA's policy statement on "Exhibit Spaces and Meeting Rooms," an interpretation of the *Library Bill of Rights*, which states: "It is appropriate for a library to limit access to meeting rooms or exhibit space to members of the specific community served by the library or to groups of a specific category. It is not proper to apply such limitations in ways which favor points of view or organizations advocating certain viewpoints. For example, some libraries permit religious groups to use meeting facilities, while others do not. According to article 6 [of the *Library Bill of Rights*], both policies are acceptable as long as all religious groups are treated in the same way, irrespective of their doctrines."

However, the decision to grant a preliminary injunction was limited and the appellate court chose not to address many fundamental questions raised by the case, including questions concerning the distinctions between public and limited public forums and concerning the level of vagueness and overbreadth of the library's policy. The decision did not address the final merits of the case, concluding only that

CWA had shown a "substantial likelihood" of prevailing on the merits of their claim at trial.

Still, within days of the Fifth Circuit ruling, in Tampa, Florida, CWA filed a similar lawsuit following a denial of a request to use the Tampa Public Library's meeting room. The Tampa library's lawyers reviewed the case law, including the Oxford decision, and on October 5 the library agreed to open its meeting rooms to religious groups, including CWA.

According to the Tampa lawsuit, CWA member Katherine Boyer had requested use of a library meeting room in August, so that CWA members could hear a lawyer discuss the Florida Legislature's upcoming special session on abortion and then pray about the issue. Library officials considered that a religious purpose and denied the request.

"We view this as a victory for free speech," said CWA attorney Jordan Lorence. "I think the problem is that people misunderstand the establishment clause [of the First Amendment]," he said. "It doesn't mean you must eradicate any vestige of religion from government buildings, only that government itself must not promote or foster a religion." Reported in: *OIF Memorandum*, October 1989, *West's Federal Case News*, September 29 and slip opinion; *Tampa Tribune*, October 4, 6; *St. Petersburg Times*, October 3, 6.

## universities

### Storrs, Connecticut

A student who, under a university anti-discrimination policy, was expelled from her dormitory and barred from dormitory and dining areas for a year after affixing to her door a poster that said, among other things, that "homos" and "bimbos" would be "shot on sight" negotiated a truce with the University of Connecticut October 24 under the guidance of a federal judge.

Under the terms of the agreement, Nina Wu will be permitted to socialize in campus dormitories and use the dining facilities. The university also agreed to review the pending cases of about thirty other students who face punishment under the student conduct code. Wu agreed not to press immediately her demand that she be permitted to return to live in the dormitory.

Wu filed suit October 10 against the university's actions, challenging the constitutionality of its student regulations, which are intended to protect students from racial, sexual or religious harassment. Besides seeking full campus privileges, Wu also demanded compensation for emotional distress.

U.S. District Court Judge Peter C. Dorsey said he believed the code was a "good-faith attempt" by the university to deal with problems of bigotry, but said it appeared to "swing further than the Constitution permits." Wu's lawyer said that she and her client would work with university officials to

rewrite the regulations. She said the judge told attorneys he would rewrite the code if they could not agree.

Wu denied that she used the word "homos" on the sign, but she agreed to let the court assume that she did for the purpose of testing the university's regulations permitting disciplinary action for use of such language. She said the sign was done in a humorous manner and said that others had similar posters on their doors. Reported in: *Hartford Courant*, October 12, 25; *New Haven Register*, October 11.

### Ann Arbor, Michigan

An anti-discrimination policy adopted by the University of Michigan to stem a perceived increase in racial intolerance on campus violates the First Amendment, the U.S. District Court for the Eastern District of Michigan held September 22. The court said the policy was not drafted narrowly enough to prevent restriction of a significant amount of protected speech.

The policy calls for the discipline of persons who engage in "any behavior, verbal or physical, that stigmatizes or victimizes" an individual on the basis of race, sex, or a host of other criteria. The policy does not apply to university publications or in certain public areas of the campus, but it does apply in classrooms, libraries, research labs, and recreation and study centers.

In an important early test of such policies, which have been adopted on a growing number of university campuses (see *Newsletter*, September 1989, p. 182), Judge Avern Cohn cautioned that the policy, while admirable in its goals, must be narrowly drawn to address only the specific evil of discrimination. "As applied by the university," the judge wrote, "the policy consistently reached protected speech. For example, one student had a complaint filed against him for openly stating in a class discussion his belief that homosexuality was a disease and that he intended to develop a counseling plan for changing gay clients to straight."

"Looking at the plain language of the policy," Judge Cohn added, "it is simply impossible to discern any limitation on its scope or any conceptual distinction between protected and unprotected conduct." Reported in: *U.S. Law Week*, October 10.

## church and state

### East Longmeadow, Massachusetts

The free exercise clause of the First Amendment did not preclude the state of Massachusetts from insisting upon approving the secular education offered by a religious school, a panel of the U.S. Court of Appeals for the First Circuit ruled September 7. A church-operated school that believes it is sinful to submit its educational enterprise for approval had sued for the right to be exempted from state review procedures that involve gathering written information from the school, reviewing the academic credentials of teachers, and

visiting the school to observe the quality of the teaching. The school preferred an approach dependent on standardized testing results.

Overturning a District Court decision, Judge Stephen G. Breyer wrote, "The church has a sincere religious belief and the state approval requirement will burden the exercise of its religion by placing it under pressure to modify its behavior and to violate its beliefs. Nonetheless, the state's interest in making certain that its children receive an adequate secular education is compelling. . . . We conclude that the First Amendment does not preclude the school committee from employing its approval procedures. The record reveals too many potential educationally related difficulties, and too little alleviation of the burden on religion, to justify the district court's conclusion that standardized testing is a 'less restrictive alternative.'" Reported in: *West's Federal Case News*, September 22; *U.S. Law Week*, October 10.

### **Purdy, Missouri**

A local school board's decision to retain its longstanding rule against students holding dances on school property did not violate the First Amendment's Establishment Clause, even if the decision was based on local religious tenets condemning dancing as sinful, a panel of the U.S. Court of Appeals for the Eighth Circuit ruled September 1.

Purdy is a small rural community dominated by its religious heritage. Various churches in town believe that "social dancing is sinful." For years, the local school board prohibited use of school facilities for dances. When a group of high school students attempted to have the rule changed, the proposal was voted down.

The students contended that the school board's action violated the Establishment Clause because it advanced the views of the religious community. In August, 1988, U.S. District Court Judge Russell G. Clark agreed (see *Newsletter*, November 1988, p. 211). But the appeals court panel came out the other way. Judge George Fagg wrote that Clark's "approach to constitutional analysis would have the effect of disenfranchising religious groups when they succeed in influencing secular decisions."

Applying the tripartite *Lemon* test to the case, the appellate panel said that extracurricular dancing is a wholly secular activity, and the rule has "absolutely no religious component" on its face. Second, the panel argued, the rule does not have the primary effect of advancing any religious doctrine. While the rule prohibits students from dancing in schools it does not prohibit them from dancing elsewhere. Finally, the court said, the rule actually promotes less government entanglement in religious affairs.

"The mere fact a governmental body takes action that coincides with the principles or desires of a particular religious group . . . does not transform the action into an impermissible establishment of religion," Judge Fagg concluded.

The ruling was unlikely to end the case. Attorney William Fleischaker, representing students and parents who sued to revoke the ban, said he would ask the full appeals court to review the decision and, if necessary, take the case to the U.S. Supreme Court.

"We believe the decision of the panel was contrary to the prevailing law set out by the U.S. Supreme Court," Fleischaker said. "Although the rule did not on its face deal with religion, if you examine the rule in context, the opposition to dance is definitely religious-oriented or has religious purposes. The inescapable fact remains that, within the Purdy community, the school board's maintenance of the no-dancing rule is commonly and correctly viewed as a symbol of official governmental endorsement for fundamentalist religious beliefs. Although there is no physical manifestation of the rule, such as a creche or a cross, the effect on the community is no less powerful." Reported in: *U.S. Law Week*, September 19; *St. Louis Post-Dispatch*, September 20; *Joplin Globe*, September 19.

## **flag desecration**

### **Chicago, Illinois**

Attempts by the Chicago City Council to regulate the public display and commercialization of the American flag were dealt a severe blow October 31 by a Cook County Circuit Court judge. Judge Kenneth Gillis declared unconstitutional key provisions of a March 16 ordinance that banned defacement, misuse, mutilation or display on the floor of any U.S. flag, as well as the use of the flag for commercial purposes.

Stressing that U.S. Supreme Court decisions have held that both the display of the flag to convey ideas and the commercial use of the flag are protected by the First Amendment, Gillis ruled that the city's ordinance designed to stop future such displays were overly broad and an infringement on freedom of speech.

Gillis ruled on a lawsuit filed by the city against ten artists, who said they wanted to exhibit works making use of the flag as part of a two month city-wide program on censorship, the First Amendment and freedom of expression.

"This decision is a message to the politicians to keep their hands off the First Amendment," said Harvey Grossman, legal director of the Chicago chapter of the ACLU. "It sends a message to politicians that they may wrap themselves in the flag, but that they cannot require others to do so."

The ordinance was passed after a public outcry last winter over an exhibit by Scott Tyler at the School of the Art Institute of Chicago, which included a flag on the floor. At the time of the controversial display, Judge Gillis rejected efforts by veterans groups to have the exhibit removed. On the same day that Gillis ruled the new law unconstitutional, Tyler was one of three protesters arraigned in Washington,

D.C., on charges of violating the newly passed Congressional ban on flag desecration (see page 5).

"If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable," Gillis said. "And our Supreme Court has not recognized an exception to this principle even where our flag has been involved." Gillis said that some of the ten artists' works are political, and the First Amendment guarantees that free expression of political thought not be shut down.

"The artworks take positions on militarism, nationalism, individual rights, the position of the Third World countries versus the superpowers, and at least one asks the question about the proper role of our country in world affairs," Gillis said.

Gillis also found the ban on commercializing the flag to be overly broad because it "is sweeping enough to have a deterrent effect on free expression." He said the provision could apply to a newspaper that displays the flag on its masthead, as well as stores that sell clothing with a union label containing a picture of the flag. Reported in: *Chicago Tribune*, November 1.

## film

### Boston, Massachusetts

A 22-year ban on public viewing of a documentary film exposing brutal and inhumane conditions in a state hospital for the insane was lifted September 28, but the judge ordered the faces of some inmates in the film to be blurred. The ruling by Suffolk Superior Court Judge Andrew Gill Meyer came on a request from filmmaker Frederick Wiseman, whose film, *Titicut Follies*, was banned in 1967 by a judge who called it a "nightmare of ghoulis obscurities" and said it violated the rights of the inmates portrayed.

Judge Meyer said the 85-minute black-and-white documentary can be shown to the general public if the faces of those in the film who are incompetent or who object are blurred.

"I have viewed the film and agree that it is a substantial and significant intrusion into the privacy of the inmates shown in the film," Meyer wrote. "However, I also regarded *Titicut Follies* as an outstanding film, artistically and thoughtfully edited with great social and historical value. . . . Another observation about the film: It is true."

"Permitting uncensored viewing of this film," Meyer wrote, "would, in effect, be granting permission to any cameraman admitted to a public institution under agreed-upon conditions, to ignore such conditions, break his promises, film any patient undergoing medical or psychiatric treatment without the patient's consent and then show the film for profit anywhere, any time and justify all such acts on the basis of an overriding public interest in the matter. Hospitals, private or state owned, are not areas of public domain."

"By this compromise," Meyer continued, "Wiseman's First Amendment right is left substantially intact, as is the privacy of those portrayed in the film. Any right to artistic freedom which may be impinged upon by this order is far outweighed by these inmates' right to privacy while in embarrassing and degrading situations."

Wiseman, however, said that blurring the faces would desecrate the work and he vowed to appeal. "It would make the film meaningless. I know of no way that faces can be blurred out. Even if it were technically possible, I wouldn't do it, because it would totally destroy the film. I appreciate the judge's thoughtful decision. It is not one that I agree with, and I intend to appeal it." Reported in: *Boston Globe*, September 29; *Boston Herald*, September 30.

### Loudon County, Virginia

An attempt by attorney Michael Farris, an ordained Baptist minister and formerly counsel to the Moral Majority, to bar a showing of the film *The Last Temptation of Christ* at Northern Virginia Community College on the grounds that the showing violated the Establishment Clause was denied by U.S. District Court Judge Thomas D. Horne on September 23.

Judge Horne ruled that, in his motion for an injunction against the film, Farris "failed to prove that the purpose of the college in showing the film is not secular." Rather, Horne said, Farris' "primary objection to the screening of the film appears to rest exclusively on the content of the film." The court concluded, "The showing of *The Last Temptation of Christ* by Northern Virginia Community College, in connection with its 'Filmgoers Series', does not infringe on the Establishment Clause. . . . Moreover, the Court is convinced that to disallow the screening would be a direct attack on the First Amendment's guarantee of free speech and the injunction against the screening, as such, is highly improper." Reported in: slip opinion.

## shopping malls

### Seattle, Washington

The free speech provision of the Washington state constitution protects only against state action and thus does not guarantee political organizations the right to solicit contributions and sell literature in privately owned shopping malls, the Washington Supreme Court ruled October 19. A group associated with Lyndon Larouche, the National Democratic Policy Committee (NDPC), had questioned the denial by a shopping mall of its application to propagate its views and "solicit contributions" on mall property. Mall rules stipulate that solicitation of funds in the mall is prohibited.

The U.S. Supreme Court has ruled that privately owned shopping malls may restrict speech as long as they do not do so in certain discriminatory ways. But some state courts



have ruled that state constitutions do extend free speech rights to malls. The Washington Constitution, in other cases, has been interpreted by that state's courts as affording "individual liberties more expansive than those conferred by the federal Constitution."

But the Washington high court ruled that the NDPC was "not just asking us to cast a more expansive interpretation of the state constitutional provision; it is asking us to declare that our state constitution grants an entirely new kind of free speech — one that can be used not only as a shield by private individuals against actions of the state but also as a sword against other individuals."

"The fundamental nature of a constitution is to govern the relationship between the people and their government, not to control the rights of people vis-a-vis each other," the court held. "The NDPC maintains that we should adopt a 'balancing test' under which we should weigh the free speech interests of the NDPC against the private property interests of the mall owners. Were we to assume the role of weighing competing constitutional interests asserted by private parties, we would be violating the separation of powers principle by arrogating to the judicial branch of government powers that properly reside with the legislative branch." Reported in: *U.S. Law Week*, November 7.

## Ku Klux Klan

### Montgomery, Alabama

A federal judge November 2 barred a former grand dragon of the Ku Klux Klan from protesting the dedication of the Civil Rights Memorial in Montgomery. David Wayne Holland of Lawrenceville, Georgia, had gone before U.S. District Court Judge Robert Varner and asked him to order Montgomery Police Chief John Wilson to grant him a permit for a demonstration. But in a written order, Varner prohibited Holland or anyone associated with him from holding the protest or "interfering in any way" with the dedication ceremony.

Chief Wilson denied a permit to Holland, he said, because the police would be hard pressed to find enough officers to work two events simultaneously — one involving protesters and the other honoring the memory of the dead. "It would be a security nightmare," the chief testified.

Judge Varner wrote that his decision was "not based on the expected content of [Holland's] speech but rather on the interest of public safety." Although Holland told the judge he wanted to protest the "hideous memorial" as an individual, Varner said his "past behavior shows that the language he uses in his speeches is reasonably expected to cause either side to react violently. Language reasonably expected to foment violence is particularly objectionable and dangerous in light of the solemnity of the occasion commemorating the dead and honoring their families."

The Southern Poverty Law Center built the \$700,000 memorial to honor forty people slain during the civil rights struggles of the 1950s and 1960s. Reported in: *Alabama Journal*, November 2; *Birmingham News*, November 2, 3.

## adult entertainment

### East Hartford, Connecticut

A federal judge refused in September to issue a permanent injunction against East Hartford's adult bookstore ordinance. U.S. District Court Judge Ellen B. Burns said the law was intended to protect the community's health and welfare and "does not attempt to prevent the showing of adult films. It is not aimed at the content of the films . . . but at the secondary effects of the books on the surrounding community."

The town council passed the law in June requiring that booths in which customers view "peep shows" be well-lighted and not have any doors on them. The owners of Aircraft Book & News and Red Lantern Books said the ordinance was an invasion of privacy and an abridgment of the First Amendment.

The town argued in court that the booths could pose a health hazard on the basis of findings in other communities. Critics of the closed booths say they provide an environment that could promote sexual activity and the spread of AIDS. The bookstores' lawyer argued that East Hartford should not have adopted the ordinance without evidence of such hazards in town.

But Burns ruled that the town "need not wait until it experiences adverse effects of its own before measures are adopted." Reported in: *Hartford Courant*, September 28.

### Syracuse, N.Y.

Five telephone services offering live conversation about sex were disconnected in the New York area November 15 after a federal court ruled that the telephone company can prohibit such conversations in certain instances without violating free speech.

U.S. District Court Judge Neal McCurn in Syracuse upheld a recommendation by the New York State Public Service Commission limiting the 970 telephone exchange to recorded messages. But he rejected the telephone company's summary dismissal of the suit by the five companies. Live sex conversations may still be carried on other exchanges.

"Our position is that the regulation in question is an unconstitutional infringement on free speech and a violation of the New York Telephone Company's obligation to serve the public without regard to the content of their telephone conversations." Companies that operate services on the 970 exchange set fees of \$3 a minute or more that New York Telephone is responsible for collecting. On other exchanges carrying live sex conversations, fees are billed by customers to a credit card.

"The freedom of speech issue is a red herring," said telephone company attorney Kevin Walsh. "This is not basic telephone service. We can't control what goes over basic telephone service. This is a special service where they can charge virtually whatever the market bears. In return for offering this service, we have certain conditions which must be followed, and those are that this service only provide recorded messages. Reported in: *New York Times*, November 16. □

## 1989 Hefner awards

The winners of the 1989 Hugh M. Hefner First Amendment Awards were announced October 2 by co-chairs of the awards program, Christie Hefner, chair and chief executive officer of Playboy Enterprises, and Stanley Sheinbaum, publisher of *New Perspectives Quarterly*. Selected by an independent committee of judges, the 1989 winners were chosen in six categories: lifetime achievement, individual conscience, education, government, law and print journalism. The judges included Jack Landau, former director of Reporters Committee for Freedom of the Press; Clarence Page, Pulitzer Prize-winning columnist with the *Chicago Tribune*; and Harriet Pilpel, attorney and long-time First Amendment advocate.

The lifetime achievement award went to *New York Times* columnist Anthony Lewis of Boston, who was honored for his longstanding commitment to a free press. Twice a winner of the Pulitzer Prize, Lewis uses his nationally syndicated column to educate the public on the First Amendment, censorship and other political issues.

John Henry Faulk of Austin, Texas, was honored in the individual conscience category. A former radio-show host, Faulk successfully battled McCarthyism in the 1950s in a court case that cost him his career in show business but ended the blacklisting system.

The award in education went to Louis Ingelhart of Muncie, Indiana, who was honored for his championing of a free student press. Professor Emeritus of Journalism at Ball State University, Ingelhart is considered the country's foremost authority on student press rights.

In the government category, Thomas Michael Devine of

Washington, D.C., was honored for his work as legal director of the Government Accountability Project. In this post, Devine works to ensure that employees who voice their concerns about problems or hazards associated with their jobs have proper defense against reprisals. Devine has represented more than 200 government and corporate whistleblowers.

Joann Bell of Harrah, Oklahoma, was honored with the award in law for her courage and determination in bringing to trial *Bell v. Little Axe School District*, a federal case dealing with separation of church and state. During a six-year ordeal, Bell was publicly vilified, beaten and had her home burned to the ground because she objected to school-board-approved prayer meetings that were taking place at her son's grammar school in Little Axe. The case, settled in Bell's favor, inspired her to emphasize church-state issues as litigation coordinator for the Oklahoma chapter of the ACLU.

In print journalism, James Haught of Charleston, West Virginia, also was honored for his advocacy of church-state separation. As associate editor of the *Charleston Gazette*, Haught waged a ten-year battle against politicized fundamentalism by writing articles and editorials exposing corruption among evangelists and attempts by religious pressure groups to use the government to censor movies, impose state-led prayers in schools, prevent sex education, purge books from libraries and ban the teaching of evolution.

Also in print journalism, Eve Pell of Mill Valley, California, was honored for her work on the Freedom of Information Project for the Center for Investigative Reporting. Pell, who has devoted most of her journalism career to covering government secrecy, authored *The Big Chill: How the Reagan Administration, Corporate America, and Religious Conservatives are Subverting Free Speech and the Public's Right to Know*.

Each of the 1989 Hugh M. Hefner First Amendment Award winners received a specially designed plaque and a check for \$3,000 at a ceremony on November 1 at the National Press Club in Washington. Prior to the ceremony, the Playboy Foundation hosted a colloquium on recent events threatening the First Amendment. Participants included: Morton Halperin, director of the Center for National Security Studies; Arthur Kropp, president of People for the American Way; Judith Krug, director of the American Library Association's Office for Intellectual Freedom; and Roger Rosenblatt, editor of *U.S. News and World Report*. □

## is it legal?



### **schools**

#### **Montgomery, Alabama**

The Montgomery County Board of Education voted unanimously October 27 to enter into an agreement to dismiss the board from a school prayer suit. The school board was named a defendant in a lawsuit filed by an attorney for the Civil Liberties Union of Alabama after Mayor Emory Folmar and County Commission Chair W.F. Joseph, Jr., gave a public prayer on August 24 to kick off a high school football game (see *Newsletter*, November 1989, p. 231).

Folmar, Joseph, eighteen other Montgomery citizens, and the city of Montgomery were also named in the suit, which was filed in U.S. District Court October 12. Last year, the U.S. Court of Appeals for the Eleventh Circuit ruled that public prayer before high school football games is unconstitutional and the U.S. Supreme Court let the decision stand. On that basis, U.S. District Court Judge Joel Dubina issued a temporary restraining order that banned such prayers at games in Montgomery city and county.

The agreement to dismiss the school board as a defendant was reached between attorneys for both sides in the dispute. The agreement states that the board "shall not sanction or permit persons subject to its control or its right to control including its agents, servants, employees and all persons acting under their direction or in concert with them to sponsor, arrange for, support or deliver prayer preceding, during, after or in any way connected with any school-sponsored athletic event." Reported in: *Montgomery Journal & Advertiser*, October 28.

#### **Levy County, Florida**

Levy County school superintendent Will Irby told school personnel September 27 not to celebrate Halloween by dressing in costumes or displaying traditional decorations because those observances pay homage to witchcraft. And witchcraft, Irby argued, is a religion. Therefore, Halloween celebrations in school may violate the First Amendment principle of separation of church and state.

The memo touched off a storm of protest and derision from parents and others, who called the suggestion ridiculous. But Irby said he was "not the mayor of Salem. I'm not saying that anyone who dresses up as a witch or celebrates Halloween practices witchcraft or condones witchcraft. I'm saying that because witchcraft has been recognized as a religion, we may violate someone's civil rights if we condone it in the schools."

Irby said his decision was prompted by a ruling by the U.S. Court of Appeals for the 11th Circuit banning prayer before school-sponsored events (see *Newsletter*, November 1989, p. 231).

Raye Ziegler, president of the Yankeetown High School Parent-Teacher Association, said that Irby was "allowing a small minority to dictate what the majority will be allowed to do."

"This is the most ridiculous thing I've ever heard," added parent Denise Switt of Morriston. "Halloween and Halloween carnivals have been a fun event for children throughout time. I mean, just because we put Cupid on the wall on Valentine's Day doesn't mean we're paying homage to a Roman god."

Or does it? Reported in: *St. Petersburg Times*, September 30.

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

An article on how to have better orgasms that was brought to a classroom debate on censorship prompted a ruling by New York State Education Commissioner Thomas Sobol upholding a school district's right to review potentially controversial materials before they are used in the classroom.

In late 1988, teacher Thomas O'Connor allowed a Brentwood High School senior to distribute an article entitled "Better Orgasms" as part of a debate on censorship in school libraries. The student obtained the article from the Brentwood North Junior High School library and argued that it was inappropriate for junior high school students.

O'Connor said he discussed the format for the censorship debate with school officials. When the student brought in the article, he reviewed it and decided it was appropriate for students in the context of the assignment. But school officials disagreed and said that O'Connor did not have proper clearance. A letter was placed in the teacher's personnel file that he exercised poor judgment. O'Connor appealed that action to the state Education Commissioner.

In his September 8 decision, Sobol upheld the district. He said the administrators did not violate O'Connor's rights by requiring him to notify them of his intention to disseminate potentially controversial material. Sobol said that controls should apply to material deemed "inappropriate to children of a particular age or maturity, or material that is otherwise lacking in educational value."

"I certainly don't dispute for one second that it is the responsibility of the district to know what's going on in my classroom or in any other teacher's classroom," O'Connor said. "But I am contesting this business of what is likely to be controversial." O'Connor argued that he was singled out, pointing to affidavits from other teachers who said they were unaware of such a prior review policy. His attorney said O'Connor would now consider a lawsuit. Reported in: *Newsday*, September 27.

### DeSoto, Texas

At least three students left DeSoto High School September 5 rather than comply with a dress code that restricts artwork and slogans on T-shirts. "We feel the dress code is unconstitutional because it interferes with our freedom of expression and pursuit of happiness," said Alicia Lewis.

The three were told to change after they came to school wearing shirts bearing the name and symbol — a playing card with four skulls joined by skeletal hands — of a local heavy metal band.

"We are trying to avoid having symbols of devil worship and that sort of thing in the school," said Principal Judy Moss. "A few kids have shown an interest in that sort of thing, and we want to discourage it as much as possible." Moss said the code prohibits shirts that display anything associated with alcohol, drugs, tobacco and satanic worship or that is sexually suggestive or disruptive. The girls claim the band does not advocate satanism and the T-shirts did not convey such an idea.

The incident exemplified a growing national trend toward stiffer dress and grooming codes. In Henry County, Georgia, for example, about a hundred students picketed the school superintendent when dozens of boys were sent home because their hair touched the collar in violation of a new rule. The same rule in Jasper, Alabama, resulted in an angry school board meeting.

In Baltimore, Maryland, a new dress code was aimed at eliminating "the uniform of the drug culture. Clothing had become an attraction to criminal activity," a school representative said. The New Orleans school board recently instituted a voluntary uniform policy for schools and about 100 schools adopted some kind of uniform.

Gary Marx of the American Association of School Administrators said that more "schools are thinking about dress codes" and that there is an emerging belief that "how students are attired may affect their education and the education of others."

Harvard University law professor Lawrence Tribe said the U.S. Supreme Court has never dealt directly with the issue of dress, except in the celebrated *Tinker* decisions where students were advocating a political position. Lower court decisions have gone both ways, but, Tribe said, it was likely the Supreme Court would support the school board in cases like the one in DeSoto.

"I think it stretches the free expression clause to apply it in schools," Tribe said. "The power of compulsory education already involves a major intrusion into a person's ability to express himself. The school board has a broad range of powers over its students." Reported in: *Dallas Times-Herald*, September 6; *St. Johnsbury (Vermont) Caledonian-Record*, September 12.

## evolution and creation

### Sacramento, California

Sidestepping discussion of a controversy that raged for months over evolution and creation, the California State Board of Education unanimously approved a textbook guideline November 9 requiring evolution to be taught as the only theory of the origin of life.

The decision immediately prompted mixed reactions from scientists, educators and civil libertarians. While many praised the new document as the strongest statement ever produced by any state on the subject of evolution, others expressed disappointment that last-minute revisions had deleted references to evolution as scientific fact and instead had presented it as theory.

"I think they could have put the Scopes trial to rest here once and for all but they left the door opened, unfortunately, so the battle continues," said Michael Hudson, western director of People for the American Way. "On the one hand you have a document that is clear and unequivocal about evolution. On the other hand you have a political signal from the board that it is susceptible to right-wing pressure."

In a concession to evangelical Christians, the board deleted one reference to evolution as "scientific fact." However, the revised guidelines retained another description of evolution as "both a fact and a theory" and assert that it is no more controversial among scientists than gravity or electricity. The concession came after negotiations between some conservative members of the board and Superintendent of Public Instruction Bill Honig, who is a strong supporter of the teaching of evolution.

The deleted statement read: "There is no scientific dispute that evolution has occurred and continues to occur; this is why evolution is regarded as a scientific fact."

The new version also deleted a paragraph describing the U.S. Supreme Court's 1987 ruling that rejected a Louisiana law requiring the teaching of the theory of divine creation along with any teaching of evolution, and a sentence that

read: "These sequences show that life has continually diversified through time, as older species have been replaced by newer ones."

The new guidelines also include new statements that "some people reject the theory of evolution purely on the basis of religious faith" and that such "personal beliefs should be respected and not demeaned."

Honig conceded that a compromise had been politically necessary, but insisted "it is very clear in the document that evolution will be taught and creationism will not."

The Rev. Louis Sheldon, who heads the Traditional Values Coalition, the group that led the campaign to require teaching of the Biblical account of creation, called the compromise "a very significant victory." But, he said, "only removing the statement, 'Evolution is a scientific fact,' from the introduction does not change the many, many dogmatic statements throughout the document." Sheldon said that his group would consider a lawsuit against the guidelines.

Eugenie Scott, executive director of the National Center for Science Education, compared the final document to a loaf of bread that has had a slice taken off the top. "It may look a little funny, but it doesn't affect the nutritional quality of the loaf," she said.

"I'm not happy with the changes," she continued. "I think it is clear that the religious right is still a force in education and that we cannot write off these people." But, Scott added, "My personal feeling is that we won big, that science and education won big, because we have a document that uncompromisingly presents evolution as a major organizing principle of science."

Less sanguine, however, was William J. Bennetta, a consulting biologist with the California Academy of Sciences, who was involved in preparing the document. He said the significance of the board's actions "lies really in the fact that the State Department of Education backed down and that a framework, a solid framework that was in its third draft and had been written by an eminently qualified panel, was adulterated at the last minute in response to fundamentalist pressures."

"As a result," Bennetta continued, "the recent proceedings can only encourage publishers to continue their long-established practices of waffling, obfuscating and evading any legitimate, straightforward presentation of the subject of organic evolution and the history of life." He said publishers "might not yet feel they are on safe ground if they try to produce books that will unequivocally deliver legitimate, contemporary instruction in science uncontaminated by religious diversions." Reported in: *New York Times*, November 10, 14; *Los Angeles Times*, September 29, 30, November 4, 8, 9, 10; *San Diego Union*, October 26; *San Francisco Chronicle*, October 26, November 9, 10; *San Francisco Examiner*, November 11; *Washington Post*, September 26.

## universities

### New Haven, Connecticut

A scuffle between gay and lesbian activists and police October 27 led to a controversy over free expression on the Yale University campus. The trouble started after a law professor reported that an unfamiliar man was putting up sexually explicit posters in the law school. Yale police arrested William Dobbs and, when participants in a national conference on gay and lesbian studies surrounded a police car and demanded an explanation, city police were called. After eight demonstrators were arrested in a scuffle, about 200 people marched to the city police station to demand their release and to protest police brutality.

Yale President Benno Schmidt said he would name an ad hoc committee to determine whether Yale's policies on free expression were violated. "The committee will consider who has the right to post within the university and what, if any, regulation of the content of posters is appropriate."

"Free expression, the protection of diversity of opinion and respect for the rights of others are principles that must and will guide the conduct of Yale University," Schmidt added. "I have no hesitation in saying this is an open campus, that we stand solidly behind the freedom of expression and the freedom of conferences like this to take place here. . . . There will be no element of antipathy toward gay and lesbian persons or positions on this campus."

Members of the campus gay and lesbian community, however, said they were "outraged and insulted" by Schmidt's response, which they deemed "inadequate." "Not one of the issues raised in our demands was addressed," said a statement issued by the protesters. "Equally glaring was the absence of any mention of the violence and homophobic nature of the police action."

The posters showed naked people engaged in sex acts and the words "Sex Is" or "Just Sex." They were to be discussed at a panel discussion during the conference. Schmidt said that "at least one" of the posters could be considered legally obscene. Reported in: *New Haven Register*, October 31.

### Medford, Massachusetts

In a surprise decision, Tufts University President Jean Mayer in early October rescinded the school's new controversial restricted-speech policy, which forbade expression that "harasses or injures" others in classrooms and dormitories.

"I decided we would be better off without a policy and, in the meantime, muddle through, case-by-case, until we have a clearer view," Mayer said, citing a recent federal court decision striking down a similar policy at the University of Michigan (see page 22).

The debate at Tufts — just one example of a nationwide controversy over the use of such regulatory policies to limit racist or sexist slurs or homophobic remarks — began when

a student started selling T-shirts on campus that listed "15 Reasons Why Beer is Better than Women at Tufts," which the university found sexist. In response, Tufts developed the policy barring offensive expression in classrooms and dormitories.

Mayer said the attempt was to create a designated "Speaker's Corner" and to protect students from harassment in other areas. But the policy prompted ridicule from conservatives and liberals alike. The Free Speech Movement at Tufts won immediate support, helping to prompt Mayer's reversal. Reported in: *Boston Globe*, October 8.

## books and periodicals

### Washington, D.C.

A proposal for an executive order banning the sale of *Playboy* from military exchange newsstands has been referred by the White House to the Department of Justice for review of its constitutionality. *Playboy's* attorneys wrote to Chief of Staff John Sununu, pointing out that *Playboy* has never been judged obscene in any jurisdiction, has won numerous awards and that its removal would violate the First Amendment rights of military personnel.

The wording of the proposal — urged on President Bush by Sen. William Armstrong (Rep.-CO) — attempts to avoid constitutional concerns by allowing the banning of material which "is harmful because it appeals to the prurient interest of minors." *Playboy's* lawyers pointed out, however, that it is unlawful to ban, outright, materials that adults have a right to read in order to shield minors. Reported in: *OIF Memorandum*, November 1989.

### Miami, Florida

On October 31, a coalition of publishers, distributors and retailers filed suit against the American Family Association (AFA) of Florida in U.S. District Court in Miami. The suit alleges illegal activities of the AFA and its Executive Director, David Caton, including: violation of the Florida law against threats and intimidation; violation of the federal and Florida RICO laws; and illegal interference with legitimate business activities in connection with the distribution and sale of legitimate and legal publications.

The plaintiffs include Waldenbooks Company, American Booksellers Association, *Playboy Enterprises*, and trade associations of wholesalers and distributors of books and magazines.

According to the plaintiffs, in late September, the AFA's Florida chapter culminated a pattern of intimidation and illegal activity by sending certified letters to magazine retailers and wholesalers. The letters threatened to file criminal complaints against the recipients because they were selling certain magazines "that contained advertising for X-rated video

cassettes." The letter also threatened distributors and retailers with negative publicity, possible civil litigation and complaints to law enforcement authorities.

The suit is based in part on a Florida statute that makes it a felony to "maliciously threaten" a person or business, or to "extort money . . . or compel a person to do any act . . . against his will." Reported in: *OIF Memorandum*, November 1989.

## broadcasting

### Washington, D.C.

With Congress pressing for action, the Federal Communications Commission (FCC) on October 26 stepped up a campaign against "indecent" in broadcasting, fining four radio stations and beginning disciplinary procedures against four others. Material cited by the FCC included explicit conversations, songs and skits about sexual acts. In addition, the FCC began evaluating a 24-hour ban on broadcast of indecent material that Congress ordered last year but a federal court put on hold pending completion of the commission study.

"The commission's action has had a chilling effect on broadcasters generally," said Steven Lerman, communications counsel to Infinity Broadcasting of New York, owner of one of the cited stations, WXRK-FM of New York.

The commission released transcripts of material broadcast by the eight stations, including the airing of excerpts from a *Playboy* interview in which a woman described in detail a specific act of oral sex. WXRK was cited for material on a talk show, hosted by controversial radio personality Howard Stern, ridiculing gays and discussing sex organs.

The FCC's actions cleared a two-year-old backlog of 95 complaints that had built up. Eighty-six of the complaints were rejected due to lack of jurisdiction or evidence, or to a finding that the material was not indecent.

The four stations that were fined are WIOD-AM of Miami (\$10,000); WSTA-FM of Miami (\$2,000); KLUC-FM of Las Vegas (\$2,000); and KFI-AM of Los Angeles (\$6,000). Four other stations were sent letters asking for comments on complaints about them. They were KCCL-AM/FM of Paris, Arizona; KSD-FM of St. Louis; WWWE-AM of Cleveland; and WXRK-FM of New York.

For years, the FCC defined indecency by the presence of "seven dirty words." Since 1987, however, it has defined it in terms developed by the Supreme Court as "language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs."

In 1987, the FCC told broadcasters it would not prevent the airing of indecent material between midnight and 6 a.m. But Congress overwhelmingly approved legislation shortly afterward banning the material outright. A lawsuit filed by

broadcasters and various First Amendment groups resulted in a decision last January by the U.S. Court of Appeals for the District of Columbia staying that law's enactment. The court later ordered the FCC to conduct an inquiry into the Congressional ban.

A commission official said that the inquiry was begun October 26 and would focus on whether the ban is a "sufficiently limited means" to protect children from exposure to indecent material. For now, the FCC is using a standard that anything broadcast before 8 p.m. is likely to be heard by children and, if indecent, can lead to sanctions. Reported in: *Washington Post*, October 27.

## AIDS

### Washington, D.C.

The chief public affairs officer of the Department of Health and Human Services in September blocked publication of a major AIDS-education pamphlet that explained how to use a condom, causing widespread anger among present and former health officials.

Assistant Secretary for Public Affairs Kay James said she took the unusual action of sending the pamphlet back to the Food and Drug Administration for review because it did not make clear enough that condoms can fail. But health officials said that James, a former director of public affairs for the National Right to Life Committee, had been seeking reasons to restrict the use of federal money to promote condom use.

James said she is not opposed to publishing brochures about condoms but that she wants them sent to the "most appropriate" audiences. "If you are putting out a brochure for high school, that would be different than one for college," she said. "This type of brochure is important for some people but not all. It may be important for a teenage kid, but I would rather have a parent give them that information."

Almost since the beginning of the AIDS epidemic, health officials have tried — and failed — to get the government to produce and distribute widely a brochure describing how to use condoms correctly. The pamphlet blocked by James had been shuttling around various government offices for almost two years. The pamphlet was of the type that could be widely distributed at school science fairs, in employee health stations, and at public health clinics.

James said that she thinks it is important for people to understand that the first line of defense against AIDS is abstinence, the second is a monogamous relationship with an uninfected person, and the third is condoms. Reported in: *Washington Post*, October 7.

## obscenity

### Old Orchard Beach, Maine

An obscenity law adopted last May that outlaws beachwear and paraphernalia that "lack serious artistic, literary, political

or scientific value" was challenged by storeowner Hal Krantz, who has more than 1,000 T-shirts in his store. A customer complained about a shirt in Krantz' store that depicts a penis putting on a condom with the caption, "Cover me, I'm going in." After an undercover police officer bought the offending shirt, Krantz was cited for violating the law.

The issue, according to Krantz and his attorney, Neal Weinstein, is: What constitutes an offense? "A question of bad taste? Maybe," said Weinstein of the T-shirt. "But obscene? No."

"According to the way the law reads now, they can tell me that anything is obscene," says Krantz. "The law has to be specific as to what is and isn't obscene. Whose values are these? Next they'll want to ban *Huckleberry Finn*."

Krantz said he had asked the town to review the shirts he had on display. "The town was never specific, they never notified us of anything that specifically annoyed them. We had asked them for that in writing and they never came to us," he said.

The town ordinance is modeled after a similar measure approved in 1982 by voters in Portland, Maine, and upheld by the Maine Supreme Court in 1985. It was adopted after Town Councilor Helen Harvey spotted a T-shirt in a store window that offended her. Reported in: *Maine Sunday Telegram*, September 3.

## adult entertainment

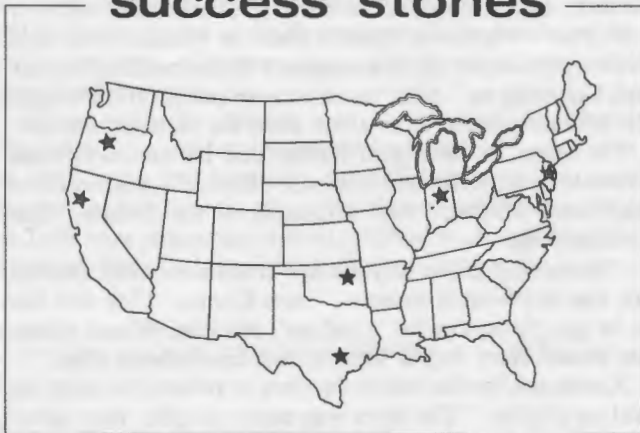
### Indianapolis, Indiana

Owners of a sexually oriented business sued the city of Indianapolis and the state of Indiana September 22, asking a judge to throw out a state law used to prosecute them. Under the law, local authorities are able to obtain court orders to shut down businesses and seize their assets if authorities can show the companies are an "indecent nuisance." Authorities have used the 1983 law to close dozens of massage parlors and adult bookstores.

"Basically we're contending that the indecent nuisance statute itself is unconstitutional," said attorney Stuart T. Bench, who filed the suit. He said the law violates the businesses' First Amendment rights because it constitutes prior restraint on their freedom of expression. The law also violates equal protection provisions because it has been used exclusively to fight adult-oriented businesses, though it could be used against any business where indecency arrests are made, such as a truck stop where police have made numerous arrests for prostitution.

"The city of Indianapolis has never filed an indecent nuisance action against any business other than a bookstore or a theater or an adult relaxation center," Bench said. "The statute is used selectively against adult businesses just to close them." Reported in: *Indianapolis Star*, September 23. □

## success stories



### libraries

#### South Adams, Indiana

Sonia Lehman said October 16 that she had no plans to pursue further the removal of a poetry book from the South Adams school libraries after the school board voted to retain the book. The board voted 4-2 to keep *A Light in the Attic*, by Shel Silverstein, on library shelves. Lehman had described the book as "very vile" and said she believed it contained subliminal or underlying messages and anti-parent material.

Lehman brought the issue before the school board after a nine-member review committee voted to retain the book. Lehman said she read the book after hearing about it from a friend. She said she represented only herself, though there were about six people at the board meeting who supported her. Reported in: *Fort Wayne Journal-Gazette*, October 18.

#### Troutdale, Oregon

The Reynolds School Board decided November 1 not to remove a book from the high school library after a review committee recommended that it be made available for assignment to students. Parents Terry and Doris Chitwood had filed an objection to the book, *House Made of Dawn*, by N. Scott Momaday, demanding its removal from the library as well as from school reading lists. The Chitwoods said they had scanned the book, a 1969 Pulitzer Prize winner, which deals with the difficulties that modern American Indians face, and objected to explicit sexual content on two pages.

Reynolds High Principal Dolores Vrooman told the board that although the book is on a reading list for a course on history through literature, any time a parent or student objects to literature, an alternate assignment is provided and the book is not required. Reported in: *Portland Oregonian*, November 2.

#### Corpus Christi, Texas

Students at King High School will be able to read the autobiography of a black jazz musician, the Corpus Christi Independent School District decided September 22. The book, *Raise Up Off Me*, by Hampton Hawes, was challenged last April by Jeannine Foster, who said the book contains "vulgar language and descriptions of abnormal sexual activity." Foster said the book should be removed from the high school library.

"The [review] committee felt that the book was of significant value and that it could be retained in the library," said George Wetzel, assistant superintendent for secondary education. Wetzel acknowledged that some parts of the book were controversial, but stressed that the book "was never regarded as reading material that should be assigned."

Foster said she became aware of the book when her son brought it to her after his girlfriend chose it from a stack on a library table for a book report. "This book is a perversion," she said of the account of pianist Hawes' life, including his use of drugs. Foster expressed disappointment with the committee decision and vowed to continue protesting books. "We're not through with these books," she declared.

The Rev. Jerry Vestal of the Church of Acts, the Rev. Ronnie Watson of West Heights Baptist Church, and Cezar Galindo, local organizer for Citizens for Excellence in Education, supported Foster and attempted to appeal the committee decision to the school board. "I hope that we as a nation have not deteriorated to the point that we have to use obscene material for our children to do book reports on," Vestal told the board. Board members agreed, however, that the final word should remain with the committee.

"I don't want to be in the position of the board reading every book that's challenged," said board Vice President Leslie LeRoy. "It concerns me that people are reading only excerpts of books. It's dangerous to isolate out a few passages and make a decision based on that." Reported in: *Corpus Christi Caller-Times*, September 23, 26.

### schools

#### Laytonville, California

The Laytonville School Board voted unanimously October 5 to continue requiring its second graders to read a Dr. Seuss book that two prominent local families charged is a thinly veiled attack on the logging industry (see *Newsletter*, November 1989, p. 237). The decision not to remove *The Lorax* from the second grade core reading list was greeted



with applause from the more than 200 onlookers and students at the meeting.

The Dr. Seuss controversy attracted national media attention in September after Judith Bailey, wife of a wealthy Laytonville timber equipment supplier, petitioned the board to remove the book. The furor thus aroused exposed the growing tension in the region between established logging families and newcomers from urban areas who tend to support preservation.

School board President William Webster tried to make light of the division in the community when he opened the board meeting by quipping "Welcome to Family Feud." After two hours of often heated debate, Webster summed up the board's sentiments: "The message of *The Lorax* is not about loggers but of cutting down all the trees, and that's a bad deal. I think second-graders can handle that."

"For us to go into the classroom . . . to say which book you can teach . . . is about as appropriate as a group of teachers going into the woods" to decide which trees to cut down, Webster told the meeting. "This is an exercise in power and ignorance and futility. We are insulting our children — who do we think we are kidding?"

"We are telling these children 'We need to protect you from certain ideas!' That's in conflict with everything the United States stands for. Let's let the teachers teach. Let's let the students learn," he concluded.

The board voted 6-1 to keep *The Lorax* on the reading list, but assigned School Superintendent Brian Buckley to review the use of core and extended literature lists. The board also voted unanimously to allow parents who object to any specific literary work to meet with teachers and decide on a substitute book for their child.

"I believe this is a reasonable compromise at this point," said Art Harwood, Jr., Bailey's brother-in-law and a board member who was active in the fight to remove the book. "I have said all along *The Lorax* was never the real issue. The larger issue is how we teach environmental issues in our schools. What we really need is better parent-teacher communication. That's the bottom line." Reported in: *Los Angeles Times*, October 6; *Sacramento Bee*, October 6; *Santa Rosa Press-Democrat*, October 6.

### **Bernardsville, New Jersey**

A book that some parents had objected to as unsuitable for a sixth grade reading class was retained by the Bernardsville Board of Education in a close vote October 2. By a 5-3 margin, the board voted to keep *Jacob Have I Loved*, by Katherine Paterson, on the reading list for sixth grade advanced readers.

The action came after three weeks of debate about the Newberry Award-winning book, which first came under fire in early September when several parents objected to its use on moral and religious grounds. After school officials re-

jected their request, the group appealed to the board.

"Here is a 13-year-old girl lusting after an older man, the idea of which I find perverted," said Gail Brown, referring to the novel's main character, one of a pair of twins who struggles to establish an identity of her own. "She is the main character of the story and we are asking our children to identify with her desire to murder her twin sister and grandmother."

"By requiring them to read this book, we are telling our children that it is OK to hate God because he hates and prejudices us," she added. "It too casually mentions wife-beating as though it is natural. Jealousy and lust pervade the book and the story dwells on families favoring one child at the expense of another." Brown listed 26 passages she found offensive, including references to murder fantasies, menstruation, childbirth, breastfeeding, loss of faith in and anger at God, and sexual feelings toward an older man.

In a written recommendation to board members, however, Superintendent William Libera urged that the book be kept, calling it a novel "rich with realistic themes, provocative character development and opportunities for thinking and reflection."

"There seems to be consensus all around . . . that this book does belong in our curriculum," said James Williams, a board member who opposed the motion to continue teaching the novel. But Williams noted that sixth graders would need "considerable guidance" to use the book and also raised the possibility of using it in a higher grade. Reported in: *Bernardsville News*, September 28, October 5; *Courier News*, October 3.

## **university**

### **Stillwater, Oklahoma**

Oklahoma State University (OSU) students won a three-week emotion-packed battle for the right to see *The Last Temptation of Christ* on campus when the university's regents voted October 13 to let the administration decide to show the film. Regents chief executive H. Jerrell Chesney resigned after the vote at the special meeting because he said he had seen the film and, though he believed the board's decision was correct, "I do not support and, in fact, renounce the film and its promotion."

Chesney's resignation followed a 6-2-1 vote to send final approval of the film's showing to the administration. OSU President John Campbell said the movie would be shown on its scheduled dates, but a disclaimer needed to be added showing the university neither agreed nor disagreed with the film's content.

The regents' decision came a day after a U.S. District Court judge delayed issuing an injunction ordering the film to be shown on campus. A lawsuit had been filed on behalf of a minister, four students, and the Committee for the First Amendment, an ad hoc group of more than a hundred facul-

ty and students.

The controversy began when the Student Union Activities Board (SUAB) decided September 9 to show the film. The campus United Ministries wanted to show the film at the same time, and an agreement was worked out whereby SUAB would show the film and United Ministries would hold a discussion panel afterward.

After publicity had already been distributed, Thomas Keys, director of the Student Union, decided to review the film September 13 with student leaders, faculty, members of the administration, and local religious leaders to see "if it meets community standards of decency." Keys recommended the film be shown.

But Vice President for Student Services Ron Beer said a decision to show the film could be made only by university officials. "There are some questions of possible violation of separation of church and state and freedom of assembly which must be answered," he said.

By September 20, more than 600 people signed petitions supporting the showing of the film on campus. But the regents had a different viewpoint. After two regents expressed their opposition to the film, the board voted September 22 to investigate legal and ethical questions about the scheduled showing. The regents asked OSU administrators to answer ten lengthy questions before they decided whether to allow the film. Chesney said he drafted the questions after he received many calls from "the outraged Christian community" and from alumni threatening to pull funds from the university.

The movement in support of showing the film quickly mushroomed. Highlights of the controversy included:

- On October 4, a protest demonstration organized by students and faculty gathered an estimated 1,500 people and attracted state and national media attention. Students for the First Amendment, one of the demonstration's sponsors, circulated petitions that gathered more than 2,700 signatures.
- Later that day, about 250 OSU faculty approved a resolution critical of the way Campbell handled the dispute over the film. A faculty Committee for the First Amendment also organized a teach-in and circulated petitions that gathered almost 2,000 signatures.
- The *Daily O'Collegian* ran a front-page editorial denouncing the regents' action, printed more than fifty letters and received a telephone call from a man identifying himself as a member of the Ku Klux Klan. The caller threatened "trouble" if the film were shown.
- Oklahoma Governor Henry Bellmon, an OSU alumnus, entered the controversy when he sent a letter to the regents saying prohibition of the film would constitute censorship. "Censorship is inadvisable, impractical, and inappropriate," Bellmon wrote in his September 26 letter. "I suggest that the attention created by the regents' action will only cause the rate of viewership to rise," he told the press. "Campuses are places for differences of opinion to be expressed freely and I believe in general students have

the ability to separate the smut from the wheat and do a pretty good job of it."

In U.S. District Court for Northern Oklahoma, ACLU attorney Michael Salem, on behalf of students and faculty, argued October 12 that Judge Thomas Brett should order the film's showing regardless of what action the regents might take the next day. He said that by allowing the regents to make a decision, "this court is becoming part of this prior restraint process."

"I don't think the federal government should stick their nose in it unless it's as a last resort," Brett replied. "I want to see if they can work it out first. If the regents' actions do not make this a moot point, I will make a decision," he said.

*The Last Temptation of Christ* debuted at OSU on schedule October 19, culminating a day-long teach-in on "Academic Freedom and the First Amendment." The keynote speech at the teach-in was delivered by Anne Levinson, Assistant Director of the American Library Association's Office for Intellectual Freedom. Reported in: *Daily Oklahoman*, September 19, 23, 27, October 3, 5, 7, 13; *Daily O'Collegian*, September 25, 26, 27, 28, 29-30, October 5, 6-7, 9, 10, 11, 12, 13-14, 16, 19. □

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(FBI . . . from page 1)

measures campaign is intelligence jargon for an effort mounted by a hostile security agency, sometimes using a front group, to influence a specific population with false information.

The names fed into the FBI's system of files included a number of librarians and representatives of library-affiliated groups that had publicly criticized the "library awareness" program, Archive officials said. Tom Blanton, deputy director of the Archive, said the group determined from an analysis of the bureau's search that more than 100 of the 266 people were either librarians or people affiliated with library organizations.

While the identities of these people were withheld by the Bureau, many of the librarians under scrutiny were thought likely to be those who had criticized the surveillance program. That, Blanton said, was based on the admission by the Bureau that it reviewed only those people who came in contact with the agency after the program was disclosed in October 1987.

Other key disclosures from the released documents included:

- Over thirty "asset" contacts and over 450 background searches on individuals were performed in connection with the "library awareness" program. Pretext phone calls were also used to gather information from libraries. A "pretext" call involves an agent telephoning and pretending to be a private citizen — often a student researcher.

- After an unsuccessful contact with a Brooklyn, New York, library employee, an internal FBI memo complained that "the attitude exhibited" by this librarian had "increasingly been encountered as a direct result" of the involvement of the ALA Intellectual Freedom Committee and that "it should not remain unchallenged."

- Although in September, 1988, the FBI indicated that there had been no visits to libraries under the Library Awareness program after December, 1987, the documents included an example of an "asset sheet," which appears to refer to a librarian or library employee as the "asset" and which is dated after December 1987, suggesting that the FBI continued contacting librarians throughout 1988 and 1989.

- In March, 1988, the New York office was thanked by FBI headquarters for its help in preparing a report titled "The KGB and the Library Target" and was "instructed to resume its contacts of librarians" with the warning that "agents are not to refer to this as the 'Library Awareness Program.'"

- Not until May, 1988, eight months after the program had been publicly criticized, does it appear that the FBI comprehensively looked into the question of state library record confidentiality laws.

- A memorandum issued to all FBI agents from Director Sessions in November, 1988, after a September meeting between ALA and the FBI, laid out ex post facto ground rules for the "library awareness" program. Guidelines included an admonition that only persons authorized by FBI headquarters could talk publicly about the program, only "experienced" agents should contact chief librarians, and that agents "should not ask librarians to report suspicious or anomalous activity or to report on persons with foreign-sounding names or accents."

The FBI issued a statement November 6 denying that it had conducted extensive inquiries into the activities of librarians or others who had been interviewed in the "library awareness" program. But the Bureau conceded that it had conducted "minimal" checks. "The FBI at no time conducted any investigation regarding the critics or anyone in opposition to the Library Awareness Program," said FBI representative Greg Jones. "The FBI did, however, conduct indices checks relating to individuals who had been in contact with us."

On November 8, ALA President Patricia Wilson Berger accused the FBI of misleading and misusing librarians. She said the documents proved that the Bureau had misrepresented its activities. "We don't think this is an appropriate role for a federal agency and we don't appreciate our profession being misused in this way," Berger said. "We were told librarians were not targets of the FBI when, in fact, we were. This is not only inappropriate but also borders on the illegal."

Rep. Don Edwards (Dem.-CA), chair of the House Judiciary Subcommittee on Civil and Constitutional Rights, which held hearings on the FBI's library program in 1988, called the documents "dismaying."

"The FBI never understood why people were upset with the Library Awareness Program," Edwards said. "The FBI never understood that the librarians and other Americans think libraries are sacred. It's very dismaying that the FBI so failed to understand what was the source of this criticism."

Rep. Edwards said his subcommittee found no evidence to confirm the FBI's suspicions about the existence of a Soviet influence campaign. "There is absolutely no evidence to support this theory either in any of our private briefings or public testimony by the FBI on this program."

On November 7, the Chancellor of the City University of New York asked Congressional leaders to look into the Bureau's investigations of librarians. In a letter to the majority leaders of the House and Senate, Chancellor Joseph S. Murphy called it "inappropriate and, in fact, inconceivable that librarians should be asked to serve as informants for the FBI as part of their professional duties."

Murphy's letter stated that the bureau had "questioned the loyalty" of librarians who wrote letters critical of the FBI program, an assertion the Bureau denied.

Despite the wealth of information contained in the released documents, much more information was excised or withheld completely. The National Security Archive said it would challenge those withholdings in future phases of litigation. Reported in: *New York Times*, November 7; 8. □

(targets . . . from page 2)

**periodicals**

<i>Asian Wall Street Journal</i> [Thailand] . . . . .	p. 19
<i>Austin Chronicle</i> . . . . .	p. 17
<i>Cosmopolitan</i> . . . . .	p. 16
<i>Elle</i> . . . . .	p. 16
<i>Glamour</i> . . . . .	p. 16
<i>The Hoya</i> [Georgetown U.] . . . . .	p. 12
<i>Hustler</i> . . . . .	p. 21
<i>The Ladies' Home Journal</i> . . . . .	p. 16
<i>Mademoiselle</i> . . . . .	p. 16
<i>Marquette Tribune</i> [Marquette U.] . . . . .	p. 12
<i>New Nation</i> [S. Africa] . . . . .	p. 19
<i>Pachyderm</i> [Tufts U.] . . . . .	p. 13
<i>Playboy</i> . . . . .	p. 30
<i>Redbook</i> . . . . .	p. 16
<i>The Sowetan</i> [S. Africa] . . . . .	p. 19
<i>The Star</i> [S. Africa] . . . . .	p. 19
<i>Vogue</i> . . . . .	p. 16

**movies**

<i>The Last Temptation of Christ</i> . . . . .	p. 13-16, 24, 33
<i>Titicut Follies</i> . . . . .	p. 24

**theater**

<i>The Normal Heart</i> . . . . .	p. 13
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# intellectual freedom bibliography

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- Aaron, Charles. "Gettin' Paid: Is Sampling Higher Education, or Grand Theft Auto?" *The Village Voice*, Vol. 34, No. 44, October 31, 1989, p. 22.
- Atkins, Robert. "Frohnmayr Fiddles, Artists Burn." *The Village Voice*, Vol. 34, No. 48, November 28, 1989, p. 31.
- Babington, Charles. "Jesse Rides Again." *Museum & Arts Washington*, Nov./Dec. 1989, p. 58.
- Barnett, Stephen R. "Preserving Newspapers, or Monopoly?" *The Nation*, Vol. 249, No. 15, November 6, 1989, p. 513.
- Blumenfeld, Samuel L. "Enemies in Academe: They've Substituted Radicalism for Scholarship." *The New American*, Vol. 5, No. 23, November 6, 1989, p. 25.
- Bork, Robert. *The Tempting of America: The Political Seduction of the Law*. The Free Press, 1989.
- Boyd, Herb. "Blacks and Jews: Conflict on the Cultural Front." *Crisis*, Vol. 96, No. 9, Nov. 1989, p. 34.
- Bronner, Ethan. *Battle for Justice: How the Bork Nomination Shook America*. Norton, New York, 1989.
- Bruning, F. "Jesse Helms on the Meaning of Art." *MacLean's*, Vol. 102, Aug. 14, 1989, p. 9.
- Chomsky, Noam. "Double Standard on Press Freedom." *Extra!* Vol. 2, Nos. 7-8, Summer, 1989, p. 50.
- Churchill, Ward and Jim Vander Wall. *Agents of Repression: The FBI's Secret Wars Against the Black Panther Party and the American Indian Movement*. South End Press, 1989.
- Clarkson, Fred. "Signs of the Times: Sneak Attacks and Loose Canons on the Censorship Trail." *The Village Voice*, Vol. 34, No. 41, October 10, 1989, p. 38.
- Coburn, Judith. "In Journalism's Quake." *The Village Voice*, Vol. 34, No. 45, Nov. 7, 1989, p. 37.
- "Congress Votes for New Censorship." *Art in America*, Vol. 77, Sept., 1989, p. 33.
- Dahl, Robert A. *Democracy and Its Critics*. Yale University Press, New Haven, 1989.
- Diamond, Sara. *Spiritual Warfare: The Politics of the Christian Right*. South End Press, 1989.
- Farhi, Paul. "Stars & Hypes Forever: Foreigners Can't Duplicate the Success of the U.S. Entertainment Industry So They Are Forced to Buy It." *The Washington Post National Weekly Edition*, Vol. 7, No. 2, Nov. 13-19, 1989, p. 9.
- Friedman, Robert I. "Conventional Wisdom: How Newsweek Flubbed the 'Shvartzer' Story." *The Village Voice*, Vol. 34, No. 42, October 17, 1989, p. 25.
- Garbus, Martin. "The FBI Man Who Cried Libel." *The Nation*. Vol. 249, No. 16, November 13, 1989, p. 564.
- Glick, Brian. *War at Home: Covert Action Against U.S. Activists and What We Can Do About It*. South End Press, 1989.
- "G-Men at the Movies." [FBI memo on A. Warhol's Lonesome Cowboys], *Harper's*, Vol. 278, June, 1989, p. 26.
- Goldstein, Richard. "Crackdown on Culture." *The Village Voice*, Vol. 34, No. 41, October 10, 1989, p. 29.
- Goldstein, Richard. "Notes on 'Shvartzer'." *The Village Voice*, Vol. 34, No. 42, Oct. 17, 1989, p. 27.
- Goodstein, Carol. "Educating Children About Race Relations." *Crisis*, Vol. 96, No. 9, Nov. 1989, p. 23.
- Gordon, Diana R. "Can Sessions Tame the Bureau?" *The Nation*, Vol. 249, No. 14, October 30, 1989, p. 488.
- Greenfield, M. "Summerstorm." *Newsweek*, Vol. 114, Sept. 4, 1989, p. 76.
- Francia, Luis H. "Start the Revolution Without Me: Human Rights Abuses Raise Doubts About Cory Aquino." *The Village Voice*, Vol. 34, No. 46, Nov. 14, 1981, p. 22.
- Hentoff, Nat. "Better Orgasms and the First Amendment." *The Village Voice*, Vol. 34, No. 48, November 28, 1989, p. 20.
- \_\_\_\_\_ . "Congress Cracks Down on Public Violence." *The Village Voice*, Vol. 34, No. 47, Nov. 21, 1989, p. 28.
- \_\_\_\_\_ . "The Dread Nunchakus." *The Village Voice*, Vol. 34, No. 45, Nov. 7, 1989, p. 34.
- \_\_\_\_\_ . "The Father of the Nunchakus." *The Village Voice*, Vol. 34, No. 46, Nov. 14, 1989, p. 26.
- \_\_\_\_\_ . "The FBI Goes After the Torture Police." *The Village Voice*, Vol. 34, No. 44, October 31, 1989, p. 24.
- \_\_\_\_\_ . "RICO Stalks the Press." *The Village Voice*, Vol. 34, No. 42, Oct. 17, 1989, p. 22.
- \_\_\_\_\_ . "Stalinist Criteria for NEA Grants." *The Village Voice*, Vol. 34, No. 47, Nov. 21, 1989, p. 63.
- Hess, Elizabeth. "NEA Shoots Itself." *The Village Voice*, Vol. 34, No. 47, Nov. 21, 1989, p. 63.
- Hess, Elizabeth. "NY to Helms: Drop Dead." *The Village Voice*, Vol. 34, No. 43, October 24, 1989, p. 95.
- Hughes, R. "Loony Parody of Cultural Democracy" [NEA Controversy], *Time*, Vol. 134, Aug. 14, 1989, p. 82.
- Jasper, William F. "Invasion of the Mind Snatchers." *The New American*, Vol. 5, No. 23, November 6, 1989, p. 9.
- Jasper, William F. "Texas Textbook Watchdogs." *The New American*, Vol. 5, No. 24, November 20, 1989, p. 36.
- Jensen, Helle Bering. "The Museum that Drew the Line." *Insight*, October 16, 1989, p. 62.
- Karp, W. "All the Congressmen's Men: How Capitol Hill Controls the Press." *Harper's*, Vol. 279, July 1989, p. 55.
- Keller, William. *The Liberals and J. Edgar Hoover*. Princeton University Press, 1989.
- Kimmell, Michael S. "Sexual Devolution." [book review]. *The Nation*, Vol. 249, No. 14, October 30, 1989, p. 503.

(continued on page 20)

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