

newsletter
on
intellectual
freedom



Editor: Judith F. Krug, Director
Office for Intellectual Freedom, American Library Association
Associate Editor: Henry F. Reichman

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Protests began rolling in as the new acting chair of the National Endowment for the Arts, appointed to succeed John Frohnmayer, who was forced out under pressure from conservative opponents of the Endowment (see *Newsletter*, May 1992, p. 75), quickly made good on her promise to take control of the government agency's grant-making process. Less than two weeks after taking office on May 1, Anne-Imelda Radice announced that she was rejecting two grants for art exhibits containing sexual themes. Both exhibitions had been recommended for approval by peer panels and the presidentially-appointed National Council for the Arts.

One of the grants denied was for \$10,000 to help fund an exhibition at the Massachusetts Institute of Technology's List Visual Arts Center entitled "Corporal Politics." The exhibit featured four well-known artists whose works depict the fragmented body as a symbol of social, political, and psychological struggle. The works by artists Kiki Smith, Robert Gober, Rona Pondick and Annette Messager include representations of internal organs, bodily fluids, isolated limbs and other body parts.

The second grant denied by Radice was proposed by the Anderson Gallery, the museum of the arts for Virginia Commonwealth University. The exhibit, entitled "Anonymity and Identity," also focused on "fragmented images of the body" which "raise questions related to our contrasting perceptions of the body as both anonymous figure and intimate object." The four artists involved were Genevieve Cadieux, Thomas Florschuetz, Gary Hill and Annette Messager.

In an official press release, the NEA explained that Radice "was not persuaded that, when compared with competing proposals, the List Center and the Anderson Gallery applications represented the best use of the Endowment's funds. . . . Her decision was based on a careful review of the entire set of application files, supporting visual materials, the transcripts of the advisory panel's deliberations, and a summary of the pertinent National Council discussion."

The decisions sparked strong reactions in the arts community. Even before the announcement, Stephen Sondheim, the Tony Award-winning lyricist and composer, turned down the 1992 National Medal of the Arts administered by the Endowment, a decision which became public the day after Radice announced that she had denied the grant applications.

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new NEA chair comes out shooting

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library censorship in Oregon

Seven books were ordered removed from library shelves in Oregon by review committees or school officials during the year ending June 30, 1991, according to the Oregon State Library. The fourth annual report of the Oregon Intellectual Freedom Clearinghouse reported about 54 formal challenges to library materials between July 1, 1990, and June 3, 1991.

The formats of materials challenged included 49 books, one newspaper, one videotape, one book-on-tape, and one book/tape set. In addition, one library received a challenge objecting to children's access to all adult materials in the library. This incident was reported as one challenge. Public libraries experience thirty-three of the challenges and school libraries twenty-one challenges. Thirty-three of the challenged materials were designated as children's and young adult materials and twenty-one were materials for adults. In 45 of the 54 challenges, staff, committees, library boards, or school boards decided that the challenged materials should be retained. In one instance, staff chose to reclassify a book. Final decisions removed materials from libraries in seven challenges. Three of the removals involved books which were not individually selected by library staff but had been received by the library as part of a large paperback order.

The largest number of objections to library materials focused on sexual references and themes and graphic language. Twenty-one challenges voiced these objections. Stories or illustrations that were considered too scary or violent for children were challenged six times. Books with perceived occult, witchcraft, or satanic references were challenged eleven times. Other challenges objected to religious materials being purchased with public funds, racial stereotypes, portrayal of drug use, undermining of parental authority, and stories considered to lower children's self-esteem.

The seven books reported removed by the Clearinghouse were:

- *Her Father's Daughter*, by Jean Stratton Porter, removed from the Clatskanie Library District because of alleged bigotry against the Japanese.
- *Mariska II and Caroline*, anonymous paperbacks purchased by the Multnomah County Library in Portland as part of a large shipment and removed after objections for descriptions of sexual acts because they had not been specifically ordered by title.
- *Tapping the Vein, Book 2*, by Clive Barker, purchased by the Multnomah County Library in Portland as part of a large shipment of paperbacks and removed after objections for descriptions of sexual acts because it had not been specifically ordered by title.
- *Illustrated Encyclopedia of Family Health*, challenged in an intermediate school library in Beaverton because of explicit line drawings of sexual intercourse positions and removed from the library but maintained for staff use only.
- *A Special Trick*, by Mercer Mayer, challenged at

Coburg Elementary School in Eugene for allegedly Satanic art. The book was retained, but an accompanying audiotape that encourages children to look closely at the art work was removed by the school principal.

- *A Girl Named Sooner*, by Suzanne Clauser, removed by decision of the school board from the library at Jefferson Middle School in Jefferson because of its explicit sexual content.

The annual report noted that challenged materials reported by public libraries had grown steadily from ten in 1987-88 to 33 in 1990-91. The number of challenges reported by school libraries fluctuated over the four years that the Clearinghouse has compiled statistics. In 1987-88, school libraries reported seven challenges. This tripled to 21 the following year, but dropped to nine in 1989-90. In 1990-91, the number of challenges reported by Oregon school libraries to the Clearinghouse was again 21. Reported in: Eugene Register-Guard, March 16; Seattle Times, March 16. □

do advertisers control the media?

Who controls the free press? A new study suggests that, increasingly, those with real control may be "those who hold the purse strings" — advertisers.

The report from the Washington-based Center for the Study of Commercialism indicates that the biggest censorship danger to the press in the 1990s comes not from government but from paid advertisers pressing for suppression of news stories, scandals and consumer reporting.

The report, called *Dictating Content: How Advertising Pressure Can Corrupt a Free Press*, was released in March. It documented dozens of examples from radio, television, magazines and newspapers of editors and reporters who said they were forced to kill, change or downplay stories out of fear that advertisers would cut revenue. In still other cited cases, advertisers are allowed to publish ads under the guise of editorial products, or reporters are told to write stories to flatter advertisers.

"Censorship and devaluation of the journalistic process represent an inevitable part of the critical cost we pay for a commercialized press," wrote the report's author, Ronald K.S. Collins, a professor of First Amendment law at Catholic University of America.

Among the examples of censorship of the media by advertisers cited in the report were the following:

- A special advertising section prepared by the American Academy of Family Physicians that appeared in *Time* magazine, but inexplicably omitted all references to health dangers related to smoking cigarettes. The same issue of *Time* contained seven full pages of cigarette ads.
- Car dealers in St. George, Utah, who boycotted the *Daily Spectrum* after the paper published a how-to consumer story on bargaining better prices for a new car. The publisher

eventually retracted the article, saying "when you start telling someone they should not make a profit, you have a real problem, especially in a small city."

- Silvia Gambardella, a popular consumer reporter for WCCO-TV in Minneapolis, lost her job temporarily after car dealers were upset about her reporting of car safety issues that included faulty seat belts.

- Consumer reporter Herb Weisbaum of Seattle station KIRO-TV completed a detailed price comparison of prescription drugs, only to be forced to delete it when the station feared advertiser disapproval.

The report drew the immediate wrath of advertising trade groups. "There is no society that receives more information than ours, and advertising plays a major role in seeing information gets to the public by supporting virtually all the media in this country," said Daniel Jaffe, vice president of the Association of National Advertisers. "I'm not saying there's never been an instance [of advertiser censorship], but read any major paper in this country, and you'll see problems that newspapers have uncovered. To suggest that advertisers have put the muzzle on the media is patently absurd."

But Herb Gunther Chao, who heads the San Francisco-based Public Media Center, a nonprofit group specializing in the creation of public interest advertising, said the contention that advertisers wield too much power in controlling what makes it on the air and in print is "right on the mark." Frequently, he charged, "we have a case where the line is being fudged between storytelling and selling."

Todd Gitlin, a University of California, Berkeley, sociology professor who wrote the forward for the study, called on journalists to recognize what he claimed is increasingly disturbing evidence of commercial censorship. "Smoke pouring out of the wings is good reason to investigate backstage for a fire," he said.

The report contends that the number of consumer reporters in broadcasting declined dramatically over the past decade largely because of pressure from advertisers. Reporters who cover environmental, retail, fashion, automotive and real estate beats are regularly subjected to advertiser pressure to run or kill stories.

The report also cited what it called a disturbing trend — the rise of "advertorials" posing as unbiased, editorial copy in newspapers and magazines. It gave the example of a 50-plus page special issue of *Newsweek*, produced by a "special publishing team," that commemorated the twentieth anniversary of Disney World. Nowhere, the report states, did the issue indicate that it was, in fact, advertising, and that Disney executives even decided what was going on the issue's cover.

The advertisers who may have exhibited the most pervasive influence over editorial product may be the tobacco companies, which spend \$50 million a year on magazine advertising, the report contended. The study said women's magazines in particular have largely ignored stories on the

health risks of tobacco out of deference to advertisers.

Chao charged that advertisers also censor other advertisers. He said his agency creates ads for Planned Parenthood, as well as environmental and anti-nuclear groups. But, he claimed, their paid ads have been rejected by media executives who admit they fear reaction from other, more conservative advertisers. "It is outright censorship when they do not allow a legitimate point of view to be aired, even when we pay for it, because they're getting pressure from other advertisers," Chao said. Reported in: *San Francisco Examiner*, March 20. □

in review

Interpretations of the First Amendment, William W. Van Alstyne. Duke University Press, 1984. First printing in paper, 1990. 136p. \$10.95, paper.

This is an integration of previous work by the same author on the speech and free press clause of the First Amendment that first appeared between 1977 and 1983 in law review journals. The articles have been reworked "to be useful for the general reader" (preface, p. vii). In the preface, the author discusses the contents of the three chapters, pointing out that the court interpretations of the free press clause discussed in Chapter 1 lead to a consideration of exactly who the press is in Chapter 2 and is the "airways" press different from the print press in Chapter 3.

In the introduction, the author discusses the Supreme Court tradition of the use of judicial review, comparing broad to strict construction, the US to the British constitutional system, and the difference between interpreting state and federal statutes against the US Constitution. Perhaps this introduction is the most useful part of the book; it is a most thought-provoking examination of the high court's interpretations, and although the author's personal opinion leans to the strict interpretation, the clear legal discussion of issues is most enlightening. It is here that Van Alstyne points out the true purpose of the book: "These chapters deal with the speech and free press clause of the First Amendment, an amendment to the Constitution unquestionably important and, on its face, of exceptional clarity. Yet it is one point of these chapters to induce a wholly sympathetic understanding that conscientious interpretations of the First Amendment do differ: that many of the problems of constitutional adjudication are not imagined, that they are not contrived, and that they do not proceed solely from judges who are mere ideologues." (p. 14-15)

(continued on page 119)

— censorship dateline —



libraries

Napa, California

A Napa City Council member's campaign for a parental warning label on a children's library book caused nearly 200 patrons of a Copperfield's bookstore to sign a petition opposing "any efforts to label, censor, or ban books held in our Napa City-County Library." The petition drive was organized after Council member Mark Luce and Mayor Ed Solomon raised objections to sexually explicit language in *Naomi in the Middle*, by Norma Klein.

Luce said he was not trying to censor the book but sought "objective labeling which factually states what the book contains" in a manner similar to movie ratings. Specifically, Luce objected to one of the book's passages during which two pre-teen sisters in a bathtub discuss their mother's pregnancy. After one of his own daughters took the book home, Luce said his wife complained to the library staff. When she did not get a positive response, he showed the book to Mayor Solomon, who agreed that it was not appropriate for young children, its intended audience.

Library policy does not permit labeling for content, so Luce asked the Library Commission to either change library policy to allow "objective" labeling on children's books, or to develop a system that would allow parents to block selections for their children. The Commission unanimously rejected Luce's requests, but the council member did not give up. He said book labeling "will be an issue" when the Council names its two designees on the Library Commission.

In a public statement Luce declared: "Through conspiracy or neglect, the Library has routinely exposed young children to sexually explicit material against the will of the children's parents. This practice continues." Luce suggested that the City Council consider two proposals: first, that "at a

minimum" a sign be placed in the children's section noting the "presence of sexually explicit material;" and, second, that the Council require the Library Commission to "ensure that a parent's desire to prevent the exposure of their children to sexually explicit material will be honored."

Library Director Tom Trice said the media attention and debate about labeling *Naomi in the Middle* had been "healthy" for the library. Reported in: *Napa Valley Register*, March 10, 29.

Duval County, Florida

They say the language is vulgar. They don't like the pictures. Or they complain the stories are teaching children the wrong things. Whatever the reason, there is a growing list of books held in the back rooms of Duval County's public school libraries because parents complained they are inappropriate.

For example, *Snow White* — in the traditional Grimm Brothers telling, not the Disney version — cannot be checked out in elementary schools without parental permission because of its graphic violence: a hunter kills a wild boar, and a wicked witch orders Snow White's heart torn out.

For older students, William Faulkner's classic *As I Lay Dying* is likewise shelved, pending parental permission. The same status applies for J.D. Salinger's *Catcher in the Rye* and for John Steinbeck's *Of Mice and Men*.

As of mid-March, during the 1991-92 school year, parents had filed nineteen complaints against books and materials in school libraries. The previous school year saw a total of twelve complaints. The 1983-84 year had seen the previous high of eighteen complaints. In each case, the challenged materials were removed pending review. Over the years, more than sixty books have been either restricted or banned by the county school system after complaints.

Two books by renowned horror author Stephen King were removed from middle schools in March (see *Newsletter*, May 1992, p. 79). King's *The Dead Zone* and *The Tommyknockers* drew complaints for a graphic rape scene in one book and extensive profanity in the other.

Other targets of complaints this year included:

- Shel Silverstein's *A Light in the Attic*, which features a caricature of a person whose nude behind has been stung by a bee. The book can now be checked out only with parental permission, owing to "slight nudity."

- *Skateboarding* magazine, which was removed pending review for promotion of antisocial behavior.

- *My House*, by African American poet Nikki Giovanni, which uses the word "nigger" and was accused of vulgarity, racism and sex.

The mounting objections have frustrated Cassandra Scott, Fort Caroline Middle School's English department chair. "This is getting a little ridiculous," she said.

Rosalynde Cowdrey, media specialist at Sandalwood High School, said she was mystified by the surge of complaints. "I am very discouraged," she said. "I don't know if this

is a full moon, or a jinxed year or what. There's always a little dribble of complaint. But now it is blown out of proportion."

"Now where does this stop?" asked Fort Caroline science and health teacher Sara Dassance. "I really have this sense that this small, vocal minority is doing the community a big disservice."

But PTA President Cheryl Donelan said parents must have the right to challenge materials. "We say, 'Please, please, be involved in your children's education,'" she said. "To turn around and say, 'Your opinion isn't valid, isn't fair.'"

And school board chair Don Buckley defended the district against charges of censorship: "I don't think we've made any attempts to censor anything," he declared. "It's a question of how you're spending the public money. It's been a pretty good evaluation process." Reported in: *Florida Times-Union*, March 20.

Sparta, Illinois

On April 21, the Sparta Board of Education heard a request to have the books of Stephen King removed from school libraries. Margaret Anderson said she began circulating petitions against the author after her son brought home King's *Four Past Midnight* from the Sparta High School library. She had previously prohibited her son from reading King books after reading portions of the book *Cujo*.

Anderson objected to the violence, sex and explicit language in the books. "The movies made from Stephen King's books are restricted," she told the board. "Children under 17 are not allowed to see them in theaters without an adult. What good does it do to rate movies to protect our children when our school is making the book available to our children?"

The board declined to take immediate action on Anderson's request beyond honoring her request that her own children be barred from checking out the books. Anderson said that she would continue to challenge the board on the matter and would continue circulating petitions. Reported in: *Sparta News-Plaindealer*, April 29; *Southern Illinoisan*, April 23.

Peru, Indiana

The North Miami school board voted 5-1 April 21 to ban three Stephen King novels from the high school library after a motion requiring parental permission for students to check them out died. A student's mother, Pat White of rural Roann, asked the board in February to remove twelve King books, saying they portray violence and obscenity (see *Newsletter*, May 1992, p. 80).

The board voted to ban *Cujo*, *The Dead Zone*, and *Christine*, a recommendation made to the board in March by Indianapolis attorney Robert Rund, who was hired as a nonpartisan hearing officer. But Superintendent Stephen Wise said the decision was ultimately the board's. He recommend-

ed that the books be available to students with parental permission, but that motion died for lack of a second.

Board member Vickie Deeds was the sole vote against the banning. "I am an avid reader of all types of literature," she explained. "I have my favorite authors, although Stephen King is not one of them. If there are books in a library — public or school — that I do not approve of for literacy, style or content, then I have the choice not to read such a book. But if other individuals want to read it, they also have the choice to do so. As a parent, I monitor the choice of material my children read, whether it's age or content appropriate. Other parents also have this responsibility." Reported in: *Peru Daily Tribune*, April 22.

Slidell, Louisiana

A book found on the library shelves at Clearwood Junior High School created quite a stir for at least one parent. According to Kathy Bonds, her daughter brought home a book that included "recipes" for spells, as used by practitioners of black magic. The book, *Voodoo and Hoodoo*, by Jim Haskins, will remain off the shelves until it can be reviewed, said Principal Alan Bennett.

"I'm concerned that our children have access to this kind of garbage," Bonds said. "I've talked with other parents who say they are appalled and disgusted by this book. The point is, kids have access to a book that tells you ways to kill people, to give people evil thoughts, and to put living animals in a person's body. It's disgusting; it's garbage." Reported in: *Slidell Sentry-News*, March 27.

Pitman, New Jersey

Peppered with profanity, tales of teenage drinking and sexual innuendo, *Sheila's Dying*, by Alden R. Carter, was not the kind of book Joyce Coneby wanted her 14-year-old son to read. Neither was *Jason and Marceline*, by Jerry Spinelli. So after her son brought both books home in March, Coneby began a campaign to have them removed from the Pitman Middle School library. The books, she contended, promote stealing, drinking, profanity and premarital sex.

The controversy began with *Sheila's Dying*, the story of a teenager dying of cancer and the impact of her illness and death on her friends. Coneby read the book and decided to object. School officials formed a committee to review the novel and on March 9 informed Coneby that it would recommend to Superintendent William Horton that the book remain in the library.

Then Coneby's son came home with *Jason and Marceline*. "I thought this one is worse," Coneby said. She said she was "astounded" by passages that make reference to a boy's testicles and to girls' breasts. She decided to object and to fight the committee's recommendation to retain the first book.

"I feel [these books] will lower the moral standards of the borough," Coneby said. By allowing children to read such material, school administrators and teachers "are saying it's

OK to say these things, to do those kinds of things. A lot of parents feel the same way, but none wanted to come forward. The response is tremendous. People don't want this in the school library." Reported in: *Gloucester County Times*, April 19.

Wilmington, North Carolina

Shirley McCoy thought the curse words that her 9-year-old granddaughter discovered when she checked out a school library book were bad, so she took the biography of Harriet Tubman. And she never gave it back.

"I refused to send it back," McCoy said. "There ought to be something done about what children read at school." In exchange for her granddaughter's report card, McCoy agreed to pay five dollars for the book. The biography, *Woman Called Moses*, details Tubman's experiences leading slaves to freedom through the "underground railroad." It is out of print.

McCoy said she was shocked by the strong language in the book. Although she highlighted a few chapters, she said, "Frankly, I got so disgusted with it, I refused to read the book. They should learn about the lady, but not with this type of language in it. I will personally copy the pages and mail them to Jesse Helms, and I will get a response."

McCoy said the biography was recommended to her granddaughter, who checked it out in February for a Black History Month report. However, librarians at the Leland Middle School said they never recommended the biography to the fourth-grader and tried to discourage her from checking it out because it contains complex material written in slave dialect.

Leland principal Christine Hall said McCoy received a complaint form but never returned it or the book. "You just can't go into a library and ban a book because you want to," said Mose Lewis, assistant superintendent of curriculum. Reported in: *Wilmington Morning Star*, April 16.

Eugene, Oregon

The Bethel School Board, which governs a 3,900-student district near Eugene, voted in mid-April to ban *The Clan of the Cave Bear*, by Jean Auel, from the Cascade Middle School library after a parent complained about a rape scene. The book was formerly on a suggested home reading list distributed by an eighth-grade English teacher, but was not required reading.

Wayne Rice whose son formerly attended the school, approached Principal Steve Waddell with his objections a year ago. Waddell referred the book to the district's Family Life Committee, which found it acceptable reading and recommended that it remain in the library. Rice appealed to the school board last fall, and the board supported him.

"There were a number of items mentioned as concerns by different individuals," said board president Wayne Watkins. "It wasn't just the rape scene. The book depicted women as not worth anything. There was concern that the

overall thrust of the book was not appropriate for eighth-graders." The book remains available at the district's Willamette High School library. Reported in: *Portland Oregonian*, April 28.

Bloomsburg, Pennsylvania

The Bloomsburg school board turned down a gift of two animal-rights books amid allegations that the volumes were intended to twist young minds. Public library officials had urged acceptance of *The Animal Rights Handbook* and *Kids Can Save the Animals*. School Superintendent Alex Dubil said the books simply offered a different viewpoint from books already in the library about hunting and cattle drives.

But Carl Risch, a school board member, said the books "are riddled with insinuations that are meant to make non-conforming students feel guilty." He said the books urged students to resist the use of animals in science classes, to demand vegetarian food in school cafeterias, and to boycott zoos, circuses, and rodeos.

The books were donated by a district art teacher. Reported in: *Philadelphia Inquirer*, March 18.

Berkeley, South Carolina

The Berkeley County School Board voted March 24 to remove *Murder in the Carolinas*, by Nancy Rhyne, from elementary and middle school libraries. In a 7-1 vote, board members agreed with parents from Sangaree Intermediate School that the book — real-life stories of South Carolina murders based on newspaper accounts — contained descriptions of actual murders that were too graphic for young readers. The board voted to keep the book in high school media centers.

A book review committee of teachers, librarians, parents and board members originally had recommended that the book remain on the shelves. However, parents on the committee wanted the book removed from elementary and middle schools. School district policy states that if a book is removed from one school, it must be removed from all schools in the district.

The board agreed to reconsider the issue after the book's author told a local newspaper that she did not write the book for children and never intended it to be in elementary school libraries. But district media coordinator Drucie Raines, who argued that the book should be retained in all district libraries, said the author told her that she had seen the book on school library shelves. "If we take this book from our libraries," Raines said, "we may have to remove the newspapers too. Like adults, children are fascinated by murder mysteries. It's checked out all the time."

Parent Timothy Hart filed the original complaint about the book after his 10-year-old daughter brought it home from the Sangaree school library. He questioned the guidelines school librarians use in choosing books. From the guidelines used at Sangaree, he read, "materials will support and augment the curriculum, taking into account the different levels

of student maturity.”

“Which curriculum is murder in this week?” Hart asked the board.

The only dissenting vote came from board member Shirley Hinson, who had served on the book review committee. “I know I’m in the minority, but I feel that all our children should be given the opportunity to read the book. I was appalled because of statements I read in our local newspaper that she [Rhyne] made. In essence, she banned her own book.”

In a related incident, on March 23, the book review committee examined another book, *Mystery of the Secret Room*, by Ellen Kushner, which was found offensive by Billy and Barbara Smith, parents of an elementary school pupil. The Smiths charged that the book teaches witchcraft. “If children can’t know of Christ, they sure don’t need Satan. Evil is harmful,” they said.

The committee agreed, however, that the book does not advocate the occult or evil. “It is a fantasy story about what it might be like to travel into the past and the future. It’s a little like Alice in Wonderland,” said Bev Wiggins, a second grade teacher. The committee recommended to the board that the book remain on library shelves. Reported in: *Charleston Post and Courier*, March 18, 25; *Berkeley Independent*, March 25.

Newport News, Virginia

Until this school year, students at Forrest Elementary School could read the library book *Spells, Chants and Potions* to learn about voodoo. But the book, and seven others on occult topics, were pulled from the library this year while school officials pondered a parental complaint about their content.

The parent, Rev. David A. Wade, said he won’t be satisfied until the books are banned permanently from school district classrooms and libraries. “I’m not going to stop,” said Wade. “We’ve got to get these books out of the city school system. They’re horrible.” Wade is appealing the decision of a Forrest committee that came out in support of the books.

“We found that the books represented, throughout, both sides of the issue,” said librarian Pamela Neilson, who, with two teachers, made up the committee. “They were not advocating to the reader that this was something to do.”

The books are all part of a set bought by the schools in 1981. The titles include *Visions of the Future: Magic Boards*, a history of Ouija boards; *Witches*, a history of witchcraft; *Sun Signs: The Stars in Your Life*, a book about astrology; and *Magic Numbers and Cards*, which explores numerology. Reported in: *Newport News Daily Press*, May 4.

schools

Antioch, California

In a new twist on the controversy over occult materials in schools, a self-proclaimed witch who “came out of the broom closet” two years ago has demanded that the Mount Diablo School District ban the fairy tale “Hansel and Gretel” because it teaches children that it is acceptable to kill witches. Karlyn Straganana told the school board May 26 that an elementary school project using the Grimm Brothers tale was derogatory because it paints witches as child-eating monsters.

“They would not use a story that would put any other religion in a light like this,” Straganana said. “Witchcraft has been singled out for defamation. It has been for centuries.” Straganana said there were about twenty members of her coven, but estimated that at least 10,000 witches live in Contra Costa County.

Straganana drew support from Ken Rogers-Stanley, who said he dabbles in witchcraft. “Witches wouldn’t in any way, shape or form eat a kid,” he said. “Most of them do not eat meat.”

Straganana’s complaint arose from a mock trial staged by fifth-graders at Rio Vista Elementary School. Hansel and Gretel, played by students, were on trial for murdering the witch. A student jury found that the children acted in self-defense, but ruled that they had to return the witch’s jewels and property to her estate.

“Our intent was certainly not to cause grief to any particular group,” said reading specialist Carole Larson. “We wanted our students to experience the judicial process.” Another class did the same mock trial last year, but in that case Hansel and Gretel were convicted of murder.

Straganana’s complaint won little sympathy from board member Dennis McCormac. “Here we are dealing with millions of dollars that we don’t have and the lady’s mad because of a bad witch who was convicted in a mock trial,” he said. “I suggest she take her 10,000 witches to Sacramento and deal with the state budget crisis.” Reported in: *San Francisco Chronicle*, May 28.

Irvine, California

A teacher at Venado Middle School assigned her eighth-graders *Fahrenheit 451*, Ray Bradbury’s classic novel about book-burning and the suppression of intellectual freedom. But the book was censored before it was distributed!

Students in Joan Dann’s gifted English classes received copies of the book with scores of words — mostly hells and damns — blacked out. “[Dann] said she believed a story could be told without having those kinds of words in it,” said eighth-grader Kong Chan.

Several students and parents objected. “The way Mrs. Dann is censoring the book is kind of going against the book’s

whole philosophy," said student Paul Ledesma. "It's hard to tell a child that education is open and everything like that and [then] they get a book and it's all blacked out," commented parent Charlotte Simmons.

After being contacted by reporters, school officials said the censored copies would no longer be used. "I don't think that we should go through a book and mark things out," said principal Bob Bruce "It won't happen in the future," affirmed Superintendent David Brown.

Students said Dann didn't black out the words herself. She told them that when she first received the books several years earlier, she asked the class to cross out the profanity as they read. Students didn't know how long Dann had been using the blacked out texts. Bruce said, however, that this was the first time that parents had complained to him about it. Reported in: *Orange County Register*, April 10; *Irvine World News*, April 16.

Pleasanton, California

An Amador Valley High School parent asked in April that *I Know Why the Caged Bird Sings*, the autobiography of Maya Angelou, be pulled from the required reading list for sophomores. Pat Wyckoff objected to what she termed sexually explicit language in a scene where Angelou recalled her molestation and rape by her mother's boyfriend.

"I would like it out of the school system," Wyckoff said. "I don't feel that it has any purpose. We don't want anybody to think we're on a witch hunt, but this is wrong. They make me sign a paper saying 'Yes, you can teach my child about sex education and AIDS,' but they can send home a book that graphically describes this man having intercourse with an 8-year-old girl, about him ejaculating in the bed and I don't know anything about it."

"I don't think we can hide negatives from the students. They live those negatives every day," Amador Valley English teacher Dorothy Davis responded. "Reading any newspaper has a much more explicit language than what will be found in that novel."

Wyckoff contended that parents should at least be told their children must read novels that could be offensive. "If you have any morals at all, this is going to offend you," she said. "I don't think this type of reading should be required. It should be a choice." Reported in: *Tri-Valley Herald*, April 16.

Colorado Springs, Colorado

Complaints from local Christians and a group opposed to civil rights legislation for gays prompted Colorado Springs' largest school district to cancel two presentations scheduled for April 30. Colorado Springs School District 11 had planned to hold talks on the history of paganism by a woman who practices the Wicca religion. Also scheduled was a panel of gay men and lesbians discussing such topics as stereotyping and harassment.

The presentations were to be part of a symposium highlighting differences among people. The symposium was planned by and for faculty and students in the district's programs for youths at risk of dropping out of school. Attendance was not mandatory.

Two initial programs on the African-American experience and on problems of the handicapped took place without problems. But assistant superintendent James Kocher and other district officials decided to cancel the programs on paganism and homosexuality because of a total of 27 complaints after a radio talk-show host mentioned the programs on the air.

Only one complaint was from a parent of a student involved in the symposium. At least two callers were prominent supporters of Colorado for Family Values, a group opposed to laws barring discrimination against homosexuals. Two students and two adults also called in to urge the district to keep the programs. After the cancellations were announced, however, the superintendent's office received 48 calls criticizing the district for bowing to special interests.

"This is an example of how things can be taken out of context by the community," said district representative Paul Kemp. "But at the same time, schools must reflect the community they serve. The district felt that if people were so concerned, perhaps it wasn't balanced enough."

Students specifically had asked that information on homosexuality and paganism be included in the symposium and were disappointed that those topics were dropped. "It really upsets me that the community tries to decide what we should see," said Cassara Dillon. A group of thirty students protested outside the district's Educational Opportunity Program building. "People shouldn't be so scared of other people's beliefs that a half hour is going to change our lives," said demonstrator John Chidester. "I don't see it as being any different from Nazism or the Inquisition," added Chad Rotolo, "except they aren't torturing anyone yet." Reported in: *Colorado Springs Gazette-Telegraph*, April 29, May 1.

Cheshire, Connecticut

A parent who questioned the review process that put two controversial books back on elementary school classroom shelves filed a complaint with the state against the Cheshire Board of Education. The novels, *The Great Gilly Hopkins*, by Katherine Paterson, and *The Alfred Summer*, by Jan Slepian, were restored to classes by the board in February. The books had been removed for two months for review after parents complained they were "profane, blasphemous and obscene" (see *Newsletter*, March 1992, p. 42; May 1992, p. 96).

"It would appear that the school board is not concerned about each student's moral development consistent with that of the student's parents and that the board is unwilling to work with parents who question their actions," wrote parent Maryalyce Lee to the state Department of Education.

Lee said that when the book issue arose, parents critical of the books were denied equal opportunity and treatment when they attempted to address the issue. She also said that some board members violated the Ethical Code for school boards. "Schools are being run through administration instead of through effective policies, and independent judgment is being surrendered to special interest groups," she charged. Reported in: *Meriden Record Journal*, March 12.

Orange Park, Florida

Students at Middleburg High School screamed censorship March 15 when comments by former surgeon general C. Everett Koop on a three-minute news segment on AIDS carried by Channel One, a commercial cable station for schools, were suddenly tuned out. What Koop said was that "the best protection against AIDS right now, barring abstinence, is the use of a condom."

"It's censorship," said senior Kristal Moore. "We want to know about AIDS and how to prevent it. If our surgeon general of the United States says it, then I think it should be OK for us to see it."

Superintendent Ann Wiggins said the school was not censoring the show but following school board policy. Wiggins said it was each school's responsibility to ensure that there is no conflict with the district's abstinence-based sex education curriculum. Middleburg assistant principal Raleigh Sapp said school officials were concerned with the reference to condoms and deleted the comment before realizing that a segment in the sex education curriculum discussed condoms. Reported in: *Clay Today*, March 18.

Cobb, Georgia

An East Cobb parent April 23 asked the Cobb school board to eliminate from student reading lists any books that can't be read aloud in a church or synagogue. Dr. William Teder, a chemical engineering instructor at Georgia Tech, told board members that students shouldn't be exposed to books that don't meet "minimum community standards." That includes books containing vulgar or profane language and any explicit and detailed verbal descriptions of sexual activity. Reading assignments should also exclude anything, he said, that denigrates religious values, attacks family values or advocates the overthrow of the U.S. government. Books that students are required to read should also not teach or glorify the occult, demonism or witchcraft.

"Minimum community standards require that all reading assignments be suitable for reading aloud in a church or synagogue worship service and for discussion with a pastor or rabbi," Teder said.

The issue arose a year ago when one of Teder's daughters, then a high school sophomore, was given a copy of Pat Conroy's *The Lords of Discipline* for a reading assignment. Teder said he and his daughter both found it objectionable because of passages that include profane language and

describe sadomasochistic acts. Reported in: *Marietta Daily Journal*, April 23, 24.

Marion, Illinois

A Marion Junior High School student brought her copy of a controversial novel back to school April 9 without incident. School officials said Deidre Butler would be allowed to bring Judy Blume's *Forever* to school as long as she doesn't cause a disturbance with it.

Assistant Principal Sam Rowell took the book from Butler April 8 as she read it with friends in the school lunch room. After a student told Rowell about the book, he asked to see it. "I picked it up and read a paragraph out of the book," he said. "It was very explicit and, being an educator seeing that and being very traditional, I took it from her." Rowell said he had never before heard of the often-challenged book, which had recently been the center of a censorship controversy in nearby Herrin (see *Newsletter*, May 1992 p. 80).

Deidre and her parents, who retrieved the book after school, called the incident censorship. They said Rowell ordered them to keep the book at home, and they defiantly refused. Superintendent Thomas Oates then intervened, concluding that the book is not pornographic and thus does not fall under a district policy barring such materials. "It's up to her as far as reading the book" Oates said. "If the intent is to pass the book around to show a section that causes a disturbance, we're not interested in that in school."

Rowell concurred, arguing that his original action had been motivated by fear that other students were being unwillingly exposed to the book. But the Butlers disagreed. "I am not fighting for the content of this book," said Diane Butler. "I am fighting for her constitutional right to read it. Other parents may not want their children reading this book; that is their right. She can, and it's her personal property." Reported in: *Southern Illinoisan*, April 8, 9; *Marion Daily Republican*, April 10.

Frederick, Maryland

Three books in the controversial *Impressions* literature series were being reviewed by Frederick County school officials after an avalanche of complaints by parents who charge that they teach the wrong values and are sprinkled with references to witchcraft. The board of education also asked administrators to review the rest of the fifteen-book series.

Carolyn Strum, curriculum specialist for elementary language arts, said officials got a complaint in October and learned that three of the books — *East of the Sun*, *West of the Moon*, and *Cross the Golden River* — had been omitted when the board approved the series. Since then, more than eighty people objected that the texts are too scary or negative or have references to the occult and teach non-Christian values. Strum said about forty percent of those who complained do not have children in the school program.

Teri Hager, an unofficial voice of the protesting parents, said the books are simply not good literature. "We're not

censors," she said. "We just want quality textbooks. Some of the material is OK; we're not saying that it's all bad. But there's enough objectionable material for red flags to go up and say, maybe we should look at this." Reported in: *Frederick Post*, March 20; *Hagerstown Daily Mail*, March 30.

Frederick, Maryland

A school principal whose parents were killed by Nazis decided to crack down on student skits after one featured a Hitler look-alike wearing a swastika. Steven Arlen, principal at Monocacy Middle School, announced the tighter controls in April, drawing accusations of censorship from some students and parents. Arlen ordered students to let him review scripts for such skits in the future.

The principal acted after getting complaints about an April 4 skit for the *Odyssey of the Mind* state finals in which a student donned a Hitler-like moustache and a shirt with a swastika on it. Parents and students criticized the decision in a meeting with the principal and county school officials.

According to students, the skit was supposed to show the life of the sixteenth century seer Nostradamus, who allegedly predicted the rise of Hitler, among other things. "How can showing history be offensive?" asked parent Rick Gaskins.

Gaskins said the skit was seen by a dozen judges at a regional competition March 7 and by a similar panel at the finals. "These were educated people and they didn't find it offensive," he said. "There was no offensive nature to it."

Assistant Superintendent David W. Markoe said school officials have the right to intervene when students are representing the school, even when it is an extracurricular event. "What if this had been somebody dressed up like the KKK?" he said. "I know there would have been problems. If we leave creativity up to the kids, that's wide open. As adults, we need to be prudent and exercise some control." Reported in: *Hagerstown Daily Mail*, April 15.

Omaha, Nebraska

Omaha actress Nancy Duncan has entertained thousands of children over the years with her zany fantasy character, Baba Yaga the Witch. But some people have begun taking Baba Yaga seriously. An unidentified caller, who tried unsuccessfully last year to persuade a women's group not to book her, labeled her an "actual witch." More importantly, over the last two years four Iowa public schools canceled appearances by Duncan. An official at one school admitted that she was pressured by people who contended that Duncan promotes witchcraft and the occult.

During the same period, the National Teen Challenge Association, a Christian drug treatment program based in Springfield, Missouri, targeted Duncan in a special "school alert."

"If you have any knowledge of the occult, her practices are indeed not 'just good storytelling,'" the alert said. "We cannot share Christ [in public schools], yet why should we allow occultic/witchcraft religions to be presented as good? Parents, if you hear about this or other 'storytellers' coming to your child's school, DO SOMETHING!"

Jimmy Neil Smith, executive director of the 6,000-member National Association for the Preservation and Perpetuation of Storytelling in Jonesboro, Tennessee, said such opposition "is a growing concern within the storytelling community." He offered some additional examples:

- In Bend, Oregon, Susan Strauss said schools canceled her performances. "I was told I couldn't tell stories that had witches in them," she said.

- Pat Nelson, of Tulsa, Oklahoma, said she was barred from a Lawton, Oklahoma, classroom for two weeks by a teacher who objected to an Indian creation myth.

- Before going on stage at a New Mexico school, Harlynn Geisler, a San Diego storyteller, said school officials told her: "Don't tell any witch stories."

- Judith Black in Marblehead, Massachusetts, said she encountered resistance to *Snow White* and other standard fairy tales. "They're considered too bloody, too harsh."

Duncan said she understands some of the reaction to Baba Yaga. "The character is a witch, and it is reasonable, I think, to expect fundamentalists to be upset about her." But, Duncan continued, no one has a right to slander her or to prevent her from working. She said there had been efforts to cancel her performances even when she portrays other characters, including a chicken. Reported in: *Omaha World-Herald*, May 17.

Hamilton, Ohio

About fifty students protested the Hamilton school district's May 4 decision to remove John Steinbeck's Pulitzer Prize-winning *Of Mice and Men* from a Hamilton High School reading list after a parent complained about its vulgarity and racial slurs. "Who's to decide what's appropriate for us? That should be our choice," student Emily Rowland said during a protest outside the school. "I have been censored, and I am offended," she concluded.

The controversy began when parent Bob Barnett filed a complaint against the book with school officials May 1. Although admitting he had only skimmed the book, Barnett said it "speaks for itself." "Every word you hear in a bar or saloon is in the book," he said. Calling the book "deplorable" and "classic filth," Barnett asked the district to permanently ban it from classrooms. "Parents and Christians are angry over the cuss words in this book, especially using God's name in vain. The kids refer to this book — under the table — as the cuss book," he said. When asked on the complaint form what the theme of the book is, Barnett replied, "To turn people against God."

Of Mice and Men was removed from an optional reading list for the rest of the school year, pending a summer review of the book by the school board. "We are simply restricting its use for curricular material," explained Superintendent Jeff Sittason. "It's still in the school library. It's a judgment call. The feeling was if the book may be removed in the future, it would be best to limit its use now."

The book was then reviewed by an ad hoc committee of parents and community, which recommended May 13 that the book be returned to the reading list immediately. In addition to Barnett, the committee heard speakers on both sides of the issue, including student Thom Kuykendall, who brought student petitions with 333 signatures in favor of keeping the book. *Of Mice and Men*, said Kuykendall, "provokes the reader to explore his or her own morals. If that is not the goal of education, then I don't know what is. Every person has the right to think, to discern right from wrong."

But Rev. Oscar Hughes, head of a parent coalition supporting Barnett, told the committee that "anybody that's got a child shouldn't want them to read this book. It should be burned up, put in a fire. It's not fit for a child to read. It's not even fit for a heathen to read."

Barnett said he would appeal the committee's recommendation to the school board. Reported in: *Cincinnati Enquirer*, May 5, 6, 14; *Cincinnati Post*, May 6, 13.

Carlisle, Pennsylvania

On Friday, April 24, students in Thomas Geiger's senior English literature class at Boiling Springs High School were reading John Irving's novel *A Prayer for Owen Meany* as part of their senior project. But when they returned to school after the weekend administrators told the class that the book was being dropped owing to "several complaints" from parents about its content and language.

Vice Principal Fred Withum said the book was pulled because Geiger did not adhere to the district's policy for approving a novel. "We didn't feel school procedures were properly followed, so when the complaint was filed, we pulled it," Withum said. "It doesn't have anything to do with censorship. It's about following procedure."

The book was chosen by the class and approved by Geiger and the administration based on its first chapter and several reviews. Every student in the class agreed to use the book. But since it was not reviewed by the school librarian and the school board, it was not an officially approved novel, Withum said.

While Withum said the administration received several complaints about the book, students said they heard of only one. "We don't think this is fair; our administration was forced into this decision," commented Jill Markel. "If that person couldn't handle what was in the book, then she should have had her child read something else."

"I'm surprised that the opinion of one person in the community can take away the rights of thirty people in the class," added Todd Hough. "They're trying to play it off as having

nothing to do with censorship. I think it does."

Geiger said the Irving book would be replaced for the senior project by J.D. Salinger's *Catcher in the Rye*. Reported in: *Carlisle Sentinel*, April 29.

Bremerton, Washington

Two parents told the Bremerton school board March 12 that they want the AIDS curriculum changed because it is obscene and stresses safe sex over abstinence. Their testimony prompted a debate on the board over the appropriateness of a review by the curriculum committee that selected textbooks for high school health classes.

Parent Lorelei Hood said she objected to the book, *Human Sexuality*, used at the high school, because it is based on fraudulent research, stresses homosexuality, and is inappropriate for teenagers. "Sex is dangerous and emotionally dangerous," Hood said. "I don't believe this is necessary." Charles Ginther also told the board that the term "safe sex" is a misnomer. He said he had a number of concerns about the AIDS curriculum.

Health teacher Judy Austin said the curriculum committee reviewed books for almost two years before selecting the ones teachers would use. "Students very much appreciate the text," she said, referring to *Human Sexuality: Relationships and Responses*, which is used for five weeks at the end of the health class to teach the AIDS curriculum.

Health teacher Trish Kamps said AIDS education is needed to give teenagers accurate information about sexually transmitted diseases. She said an anonymous survey of her students indicated that 49 percent were sexually active. Reported in: *Bremerton Sun*, March 13.

Marysville, Washington

Goblins and witches, beware! You may never see the inside of a Marysville school again. School officials have asked faculty and parents whether Halloween celebrations should be banned.

The question arose last fall when almost fifty parents attended a school board meeting to protest the celebration of Halloween in school. They claimed that the holiday promotes the worship of Satan.

"I don't think that's appropriate," said parent Keely Craig, a member of the district's nine-member Halloween Task Force, formed to investigate the issue. "Whether they call it religion or not, it is religion." Reported in: *Idaho Statesman*, April 23.

Spokane, Washington

The song "Shortenin' Bread," about a slave who steals bread to feed his children, was banned in Spokane schools as racially insensitive. Gerald Hester, district school superintendent, decided April 20 to remove the song from classroom instruction and an all-city concert. A black fifth-grader had complained in March when she was asked to practice the song for the concert.

Three people filed formal complaints about the song, which school officials said they did not know was offensive until they read a version of the lyrics in a newspaper story. A district advisory committee recommended to Hester that the song be dropped from the school play list. Reported in: *Seattle Post-Intelligencer*, April 22.

student press

Brentwood, California

The Lion has lost its roar at Liberty Union High School. *The Lion's Roar*, the monthly student newspaper, was muffled in early April when Principal Gene Clare forbade the paper to print May and June editions. Clare also barred the two journalism teachers responsible for overseeing the paper's production from teaching the course next year.

Claiming that the decision involved confidential personnel matters, Clare declined to say what parts of the April 1 edition he found objectionable. But judging from student and teacher accounts, the administration criticized parts of the issue as sexually explicit and in bad taste, which led to the ban.

In addition to criticizing many drawings, the administration was critical of a story describing how "four intensely gorgeous young maidens" hooked up with "four young but highly financed bachelors" and ended up on the bachelors' "private love pads."

Many inside and outside the journalism classes acknowledged that some of the articles and drawings went too far. But, they said, instead of suspending the paper, Clare should have given students a second chance.

"It was a little bit out of hand," said Jorge Vega, a sophomore. "But I still think it was unfair to just take it away like that."

Marcia Gallo, director of the American Civil Liberties Union First Amendment education project, said that under the California education code, censoring or suspending a school paper is only permissible if it contains materials that are obscene, untrue and could harm someone's reputation, or create the immediate danger of causing students to commit an unlawful act or an act that would disrupt school operations.

Asked to identify which part of the education code justifies suspending the paper, Clare said, "I haven't researched that. I know I have the authority as principal to suspend the paper." Reported in: *Antioch Daily Ledger Post Dispatch*, April 14.

West Chicago, Illinois

A student newspaper report on teenage sexual activity ignited a controversy at West Chicago High School about the school board's right to control student publications. School administrators approached the staff of *The Bridge*

shortly after the articles appeared and asked to be notified of future story topics before they appear in print. Student editors said the request was an attempt at censorship and violated the school board's own policies concerning freedom of expression in student publications.

Students said the problems developed after *The Bridge* ran a group of stories about AIDS, teenage pregnancy and sexual harassment. As part of its report, the paper surveyed 100 students about some of their sexual habits. The survey indicated that more than 60 percent of the male respondents and 30 percent of the female respondents had engaged in sexual activity.

Superintendent Joel Morris criticized the survey for misrepresentation, but denied that his request to be informed about future topics amounted to censorship. "It seems very typical that students involved in a student newspaper read a plot into any discussion of the paper. Censorship was not our intent," he said.

But student editor Jamie McDole disagreed. "Censorship comes in many ways, in people reading the copy and in people knowing the subject beforehand," he said. Reported in: *Wheaton Daily Journal*, April 4.

St. Cloud, Minnesota

The March edition of Technical High School's student newspaper, *Montage*, rolled off the press March 19, but a controversy over the use of images of two record album covers held up its distribution. *Montage* adviser Steve Walz said he held up distribution of the paper because of concerns about a lack of identification of one album cover and potential copyright violations for reprinting images of both album covers without permission. But some staff members said the real reason Walz wouldn't let the papers go out was fear that someone might be offended by a picture of a naked baby. Reported in: *St. Cloud Times*, March 20.

Durham, North Carolina

Student opinion at Riverside High School was divided after Principal William Batchelor forbade the school newspaper, *The Pirate's Hook*, from printing an advertisement for OutRight, a counseling group for homosexual and bisexual youth. Batchelor said he based the decision on parental concerns.

"I feel like we'd be better off to [pull the ad] to avoid any further problems," he explained. "We have had numerous phone calls from parents who feel like [the advertisement] is totally inappropriate. Their interpretation is that it is a recruitment device and that it probably doesn't belong in a newspaper that services 14, 15 and 16-year-olds."

While some newspaper staff members supported the decision, Vaughn Schermerhorn was one of the majority who disagreed with it. "I feel now that he has done this, it will be easier for him to do this in the future and the school newspaper will become a paper of the administration and not the students," he said.

"I think that it was a violation of the rights of both the journalism students and the gay students," agreed Sara Hays. "OutRight is a support group for gay students, gay youth and they need it and they should have the right to know about it and to be able to believe that it's not a corruption of society to be gay. And Dr. Batchelor said, by taking the ad out of the paper, that it is not OK to be gay."

The newspaper staff voted 10-2 to carry the ad originally. The ad sparked phone calls from several outraged parents. That prompted Batchelor to ask the staff to compromise by running a smaller version on the lower left side of an inside page, rather than deleting the ad entirely. Batchelor said parents continued to complain after the ad ran a second time.

To protest Batchelor's decision more than thirty students wore pink triangles to school. Reported in: *Durham Herald-Sun*, April 2, 4. □

(NEA . . . from page 101)

Sondheim had been chosen to receive the award by President Bush. To accept the award, he said, "would be an act of the utmost hypocrisy." Sondheim charged that the Endowment had "become a victim of its own and others' political infighting and is rapidly being transformed into a conduit and a symbol of censorship and repression rather than encouragement and support."

Then, on May 14, Beacon Press — one of the country's oldest independent publishers — spurned a \$39,000 grant to protest Radice's veto of the grant to the List Center, and Murry N. DePillars, dean of Virginia Commonwealth University's arts school, resigned as an NEA review panelist in reaction to Radice's rejection of the grant to the university's gallery. In addition, Artist Trust of Seattle, and three recipients of Artist Trust Fellowships funded by the NEA, announced that they would decline Endowment support.

The following day, the entire peer panel for the visual arts resigned in protest. In a letter to Radice, the seven artists, critics, and collectors declared that "the process of peer panel review has been severely compromised and placed in great jeopardy."

"The criteria used to judge grants have been altered and have been subjected to concerns neither stated nor defined in the program guidelines," the panelists wrote. "The established procedures of the agency — based on professionalism and a lengthy process of deliberation, debate, and consensus building — have been overridden by unprecedented singular decision making by the acting chairperson. In the wake of Ms. Radice's recent actions and statements, and given her apparent disregard of the role of both the panels and the National Council, we find we can-

not in good conscience continue the review process to which we have been dedicated all week."

At the time she was appointed Radice was, in the words of the *Washington Post*, "the David Souter of the arts world — a low-profile arts bureaucrat whose views on the burning controversies of her time had never been aired publicly." But Radice stressed her desire "to communicate and build consensus" while also appeasing congressional critics and protecting President Bush from further charges that the endowment is funding obscene and blasphemous work.

Rejection of the two grants gave a clear signal that she will substitute her judgment when she does not like an application recommended by peer review panels or the National Council. At the same time, some arts organization believe the NEA under Radice has begun to apply more subtle bureaucratic measures to eliminate or delay controversies.

Radice asserts that the NEA staff is simply enforcing higher standards across the board on reports filed by all grant applications and recipients. By rejecting mainstream and traditional organizations like MIT and VCU in her first actions, Radice apparently sought to undermine suspicions that the Endowment was seeking simply to censor out avant-garde artists and art groups.

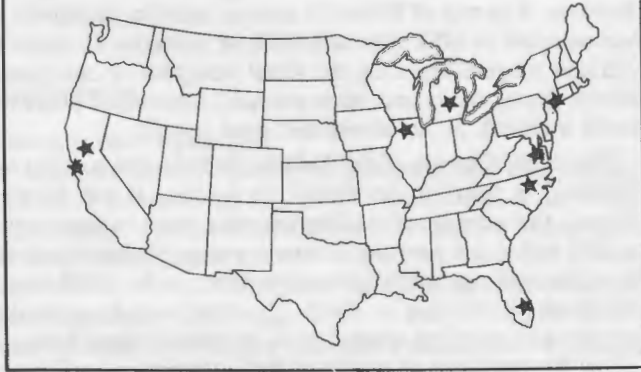
On March 20, several hundred members of the American Council for the Arts, a national coalition of cultural groups, descended on Capitol Hill to lobby for the Endowment and for greater funding for arts education. The Council also released the results of a study, "Americans and the Arts VI," conducted by survey researcher Louis Harris.

The survey showed that despite "the changing environment facing the arts," including "heavy cutbacks in the teaching of the arts," the recession, and the obscenity controversies, support for government arts funding and arts education remained stable and strong.

The poll showed that Americans favor funding arts organizations through taxation by 60 percent to 37 percent, virtually no statistically significant change from the 59 to 36 percent finding in the previous such survey taken in 1987. Taxpayer financed federal support for individual artists was supported by a margin of 52 to 45 percent, up insignificantly from 51 to 46 percent five years earlier. More surprising, however, was that 69 percent of the 1,500 adults surveyed in February would approve a \$5 federal tax increase to finance arts, and 50 percent would support a \$25 increase. The NEA's current \$174 million budget represents an expenditure of about 65 cents per person. The survey also revealed that nine out of ten respondents thought that arts in education was important for children. Those surveyed favored the funding of arts courses by public school systems by a margin of 76 to 23 percent.

"The American people stand firm on arts support," Harris said. "Politicians — at their peril — ought to pay attention to these results." Reported in: *Washington Post*, May 13, 14; *New York Times*, May 13; *Boston Herald*, March 20; *Orange County Register*, March 21. □

from the bench



U.S. Supreme Court

The Supreme Court on April 6 overturned a Nebraska farmer's conviction for receiving child pornography, ruling that government agents conducting a sting operation entrapped him into committing the crime. The court, splitting 5 to 4, said that postal inspectors "overstepped the line between setting a trap for the 'unwary innocent' and the 'unwary criminal'" when they repeatedly solicited Keith Jacobson of Newman Grove to purchase child pornography.

"When the Government's quest for convictions leads to the apprehension of an otherwise law-abiding citizen who, if left to his own devices, likely would have never run afoul of the law, the courts should intervene," the court said in an opinion by Justice Byron R. White.

The ruling in *Jacobson v. U.S.* represented something of a surprise from a court that has shown deference in recent years to law enforcement agencies' use of novel and aggressive techniques to battle crime. Undercover sting operations have become increasingly common and increasingly controversial over the past decade, with targets ranging from common burglars and drug defendants to members of Congress.

The two newest justices, Clarence Thomas and David H. Souter, joined White and the two most liberal members of the court, Justices Harry A. Blackmun and John Paul Stevens, in voting to overturn Jacobson's conviction. The majority said the government failed to prove that Jacobson was "predisposed" to commit the crime when agents first targeted him in what turned out to be a 2½-year sting operation, sending him bogus catalogues of pornography hoping he would order something. Jacobson ultimately bought *Boys Who Love Boys*, described in the fake catalogue as "11-year-old and 14-year-old boys get it on in every way possible."

In a dissenting opinion, Justice Sandra Day O'Connor warned that the court's ruling could hamper the government's ability to conduct stings. She said the ruling "introduces a new requirement that Government sting operations have a reasonable suspicion of illegal activity before contacting a suspect." Now, she said, "every defendant will claim that something the Government agent did before soliciting the crime 'created' a predisposition that was not there before. For example, a bribe taker will claim that the description of the amount of money available was so enticing that it implanted a disposition to accept the bribe later offered. A drug buyer will claim that the description of the drug's purity and effects was so tempting that it created the urge to try it for the first time." Chief Justice William H. Rehnquist and Justices Antonin Scalia and Anthony M. Kennedy joined the dissent.

The majority denied making any change in the law, arguing that its standard "in no way encroaches on Government investigatory activities."

Reached in Newman Grove, Jacobson, a 60-year-old veteran whose only previous criminal offense was a 30-year-old drunken driving conviction, said he was "on cloud nine" after hearing the news. "It essentially tells the government to be more careful about how they target people and implant things in their minds," said Jacobson, who has already served his sentence of two years' probation and 250 hours of community service. "I think it's important because as American citizens living in a democratic country we have a right to be left alone if we're not breaking the law."

The case against Jacobson started in 1984, when government agents found his name on the mailing list of a California adult bookstore. Jacobson had ordered two magazines, *Bare Boys I* and *Bare Boys II*, which showed nude pre-teen and teenage boys. The magazines were legal at the time Jacobson ordered them. Government agents, enforcing a new federal child pornography law making it illegal to receive depictions of minors engaged in "sexually explicit activity," then targeted Jacobson. Posing as five different fictitious organizations, they offered him membership and sent him "confidential" surveys eliciting his sexual predilections. An undercover postal inspector wrote Jacobson "pen pal" letters mirroring his interests. Postal inspectors who searched his home for evidence of child pornography found only the *Bare Boys* magazines that launched the investigation and the material the government itself had sent to him.

In overturning Jacobson's conviction, White said that when a defendant claims entrapment, "the prosecution must prove beyond reasonable doubt that the defendant was disposed to commit the criminal act prior to first being approached by Government agents." White said that would not pose a problem to law enforcement in the run-of-the-mill undercover operation, in which "ready commission of the criminal act amply demonstrates the defendant's predisposition." He noted that the federal government's guidelines for conducting sting operations require evidence of predisposition. "Had

the agents in this case simply offered Jacobson the opportunity to order child pornography through the mails, and he had promptly availed himself of this criminal opportunity, it is unlikely that his entrapment defense" would have succeeded, White said. "But that is not what happened here. By the time Jacobson finally placed his order, he had already been the target of 26 months of repeated mailings and communications from Government agents and fictitious organizations. Therefore, although he had become predisposed to break the law by May 1987, it is our view that the Government did not prove that this predisposition was independent and not the product of the attention that the Government had directed at him since January 1985." Reported in: *Washington Post*, April 7; *U.S. Law Week*, April 7.

The Supreme Court overturned a death sentence March 9 on the ground that the prosecution violated a convicted murderer's First Amendment rights by telling the jury that he belonged to a white racist prison gang called the Aryan Brotherhood. The vote was 8 to 1, with Chief Justice William Rehnquist writing for the majority and Justice Clarence Thomas dissenting.

David Dawson had just escaped from a state prison in Delaware when he killed a woman and stole her car. The prosecution introduced evidence of Dawson's membership in the Aryan Brotherhood at the sentencing phase of his trial without trying to show that the information was relevant either to the crime or to Dawson's character. The woman he killed was white.

In his majority opinion, Chief Justice Rehnquist said that because the evidence indicated nothing more than Dawson's "abstract beliefs," the state violated the First Amendment's guarantee of freedom of association by providing the information to the sentencing jury.

"We have held that the First Amendment protects an individual's right to join groups and associate with others holding similar beliefs," Rehnquist wrote. "On the present record one is left with the feeling that the Aryan Brotherhood evidence was employed simply because the jury would find these beliefs morally reprehensible."

The First Amendment has rarely if ever been a factor in a death penalty decision. As circumscribed as the majority opinion in *Dawson v. Delaware* was, the outcome was still somewhat surprising from a Court that has seemed intent on clearing away obstacles to the death penalty.

In his dissent, Justice Thomas objected both to the Court's discussion of relevance and to the majority's analysis of the First Amendment issue. Dawson's membership in the Aryan Brotherhood "had relevance at sentencing," Thomas said, because a jury could have used it to draw inferences about his character.

Thomas said he had "difficulty seeing what the First Amendment adds to the analysis." He accused the other Justices of adhering to a "double standard" in death penalty cases, in which defendants are given more leeway than prosecutors. Reported in: *New York Times*, March 10.

The Supreme Court agreed March 23 to decide whether a Florida city's ban on sacrificing animals in religious ceremonies violates the constitutional guarantee of religious freedom. The city of Hialeah's animal sacrifice prohibition was adopted in 1987 after adherents of Santeria, an ancient African religion featuring the ritual slaughter of chickens, sheep, goats, ducks and other animals, announced plans to build a church on an abandoned used car lot.

The case, *Church of the Lukumi Babalu Aye v. City of Hialeah*, is likely to be significant because it will be the Court's first consideration of the religious freedom issue since a 1990 ruling that gave governments greater leeway to adopt laws that infringe on religious practices. In the 1990 case, *Employment Division v. Smith*, the court said Oregon did not have to make an exception in its general drug laws to allow the ritual use of peyote in Native American religious ceremonies. Those challenging the Hialeah ban argue that it violates their right to free exercise of religion because — unlike the Oregon peyote law — it is specifically targeted at animal slaughter for religious purposes.

"Hialeah has not made it a crime to kill animals," lawyers for the church said. "Rather, Hialeah has made it a crime to sacrifice animals to your God. Hialeah has not interfered with the sale of lobsters to be boiled alive, and the record does not show that it has interfered with the practice of feeding live rats to pet snakes. Religion is almost the only unacceptable reason for killing an animal in Florida." Reported in: *Washington Post*, March 24.

On March 23, the Supreme Court refused to hear *Penthouse* magazine's claim that it should be allowed to recover damages from former attorney general Edwin Meese, III, and members of the Justice Department's pornography commission. The magazine's largest retail sales outlet, 7-Eleven convenience stores, and other drug store chains stopped selling *Penthouse* after receiving a letter from the commission in 1986. The letter stated that the commission had heard evidence that the companies were "involved in the sale or distribution of pornography" and asked for a response before drafting "its final report section on identified distributors."

Penthouse claimed that this "blatant threat to blacklist distributors" violated its constitutional rights. It said Meese and the commission should be held responsible for their "use of intimidation and coercion to censor speech with which they disagree."

The court made no comment in declining to hear the case, *Penthouse v. Meese*. In throwing out the suit last July, the U.S. Court of Appeals for the District of Columbia Circuit, said Meese and the others were immune from suit because their actions did not violate any clearly established constitutional right.

"We do not see why government officials may not vigorously criticize a publication for any reason they wish," the court said. "If the First Amendment were thought to be violated any time a private citizen's speech or writings were

criticized by a government official, those officials might be virtually immobilized." Reported in: *Washington Post*, March 24.

schools

Sacramento, California

In a case watched closely by educators and religious interests, a federal judge on April 2 dismissed a lawsuit alleging that the controversial *Impressions* reading series used widely in California schools violated the state and federal constitutions by promoting the "religions of witchcraft and neo-paganism." U.S. District Court Judge William Shubb said he found no evidence that school officials were seeking to promote any religion.

"While the court is not unsympathetic to plaintiffs' concerns," Shubb said, "there is no constitutional basis for the court to order that the activities in question be excluded from the classroom simply because isolated instances of those activities may happen to coincide or harmonize with the tenets of two relatively obscure religions."

Shubb rejected claims by Douglas and Katherine Brown of Woodland, California, and by the Rev. Donald E. Wildmon's Mississippi-based American Family Association that parts of the *Impressions* series espouse witchcraft and neo-paganism.

"We've very happy," said Velma Villegas, associate superintendent of schools in Woodland. "The kids love these books. They've got exciting stories that kids really like. We feel [the decision] validates our philosophy that, in order to bring about powerful learning, you have to provide for academic freedom."

Benjamin Bull, general counsel for the American Family Association, said the organization would take the case to the U.S. Court of Appeals for the Ninth Circuit, "where the real battle will take place."

"If witchcraft and neo-paganism are religions — and we know they are," Bull said, "then children cannot be allowed to role-play the practices and employ the tenets of those religions if they cannot do the same for Christianity or other religions."

The case began two years ago when the Browns, fundamentalist Christians who at the time had three children in Woodland schools, filed a complaint about *Impressions*, adopted by the state in 1988. Although the books had been subjected to rigorous review, a special committee of teachers and community members was appointed to review the complaint. The committee recommended that the series be retained and the Woodland school board agreed.

At that point, the Browns filed suit, joined shortly afterward by the American Family Association. People for the American Way, a national liberal organization, intervened in the case on behalf of a group of Woodland students and parents.

Initially, the suit charged broadly that the material was too morbid, that it displayed disrespect toward parents and that there were too many references to witches and goblins. Later, the grounds were narrowed to allegations that 38 stories, poems and supplementary activities promoted witchcraft and neo-paganism, in violation of the Establishment Clause of the U.S. Constitution and similar provisions in the California Constitution. Reported in: *Los Angeles Times*, April 4.

Wheaton, Illinois

A federal judge dismissed a lawsuit filed against Wheaton-Warrenville Unit District 200 by parents who claimed school officials failed to implement rules allowing their children to be excluded from using the controversial *Impressions* reading series. U.S. District Court Judge James B. Moran granted a motion by District 200 attorneys to dismiss the case.

Filed in November, 1991, by parents at Lowell Elementary School, the lawsuit sought to ban the use of *Impressions* temporarily, then force the district to show it is implementing specific rules previously established that would let parents prevent their children from reading the series.

Moran's dismissal was praised by District Superintendent Richard R. Short, who has confronted the *Impressions* brouhaha since 1987. "I can't be any more pleased with the court's ruling," Short said. "I am very confident that this school system will do everything it can to address the needs of parents, short of permitting them to pull their children entirely out of the reading program."

The dismissal did not end the case, however. On April 6, the plaintiffs filed a new suit charging that the *Impressions* readers teach the religion of witchcraft and the occult, thereby violating the separation of church and state. Specifically, the suit contends that the books foster belief in supernatural beings such as wizards, sorcerers, and giants; indoctrinate children in non-Christian values such as trickery, despair, deceit and parental disrespect; and pose an imminent danger to children by promoting terror and negative values and by instructing them in occult practices. Reported in: *DuPage Daily Herald*, March 26; *Wheaton Daily Journal*, April 8.

AIDS

New York, New York

A federal rule barring government financing for any AIDS educational materials deemed "offensive" to "a majority of adults" was declared unconstitutional May 11 by a federal judge in New York. The decision was expected to have a national impact on the content of posters, brochures, and writings prepared to educate Americans about the dangers of the disease.

The rule struck down — part of the guidelines used by the federal Centers for Disease Control for awarding \$200

million a year to states and to thousands of AIDS education groups — was described by critics as a tool of censors that has been used for years to block sexually explicit educational information.

U.S. District Court Judge Shirley Wohl Kram declared that the Centers for Disease Control exceeded their statutory authority in promulgating the restriction on “offensive” materials and that the rule itself was unconstitutionally vague.

“Can educational material be offensive simply because it mentions homosexuality?” the judge wrote. “Because it depicts an interracial couple? Can a proposed education project be offensive because it traps a captive audience, such as subway riders, and forces them to look at a condom?”

Judge Kram said the rule, written in 1986 under pressure from Sen. Jesse Helms (R-NC) and other conservatives in Congress, and later revised to narrow its scope, nevertheless had “no core meaning that can reasonably be understood by a person of ordinary intelligence.” The rule did not prohibit specific expressions or depictions, but was so broadly phrased that it was often interpreted in ways that found racial and political content, as well as sexually explicit language, offensive, the judge said.

“This decision will save lives,” said David Cole, a lawyer for the Center for Constitutional Rights. “It allows organizations receiving federal funds for AIDS education to create the most effective education materials possible, without being hampered by some government agent’s subjective determination about what will be ‘offensive’ in Peoria, Illinois.”

Guidelines written by the Centers for Disease Control required states and private organizations receiving funds for AIDS education to set up “program review panels” to judge whether posters, brochures, writings and other materials would meet the offensiveness standard. Judge Kram said the rule had a chilling effect on the producers of AIDS education materials since what was offensive was so unclear.

“Organizations dependent upon CDC funding cannot afford to waste resources and time using a trial-and-error approach to review,” the judge declared. “They must self-censor to guarantee approval. For some organizations, the deterrent effect of the grant terms is so strong they avoid seeking CDC funding.”

Cole said the review panels had rendered thousands of largely arbitrary decisions. A panel in Los Angeles, for example, refused to approve a poster showing a black man and a white man sitting together, he said, while another in North Carolina rejected a poster of two men wrapped in an American flag and holding condoms. Reported in: *New York Times*, May 12.

recordings

Broward County, Florida

On May 7, the U.S. Court of Appeals for the Eleventh Circuit overturned the U.S. District Court 1990 ruling in

Florida that 2 Live Crew’s recording *As Nasty As They Wanna Be* is obscene, marking the end of two years of lawsuits, arrests and trials.

Just as the original conviction marked the first time that a sound recording had been judged obscene, the appellate ruling marked the first time that a federal appeals court had examined the application of obscenity law to musical composition.

The appeals court overturned a finding by District Court Judge Jose A. Gonzales that *Nasty* was obscene because, among other things, it was “an appeal to dirty thoughts and the loins, not to the intellect and the mind.” The appellate justices chided Gonzales, declaring that he erred in relying on his own expertise in deciding two of three underpinnings of the obscenity test established by the Supreme Court in *Miller v. California*. The *Miller* test requires that to be found obscene material must be patently offensive (appealing to “prurient interest” by arousing shameful or morbid sexual response) to an average person applying community standards, and that, taken as a whole, the work has no artistic value.

The appeals court noted that Broward County Sheriff Nick Navarro and the prosecutor had failed to present sufficient evidence to meet the *Miller* criteria. Moreover, the court did not believe that Judge Gonzales could determine that the album had no serious artistic value merely by listening to it. The court declared that “we tend to agree with appellants’ contention that because music possesses inherent artistic value, no work of music alone may be declared obscene.”

“When you win a case like this, it’s sort of like guerrilla warfare and it puts the state on notice of how hard it is to prosecute art, even shocking art,” said Bruce Rogow, attorney for 2 Live Crew. Rogow said he was not surprised at the reversal, only at the original decision. Had the case ended up before the U.S. Supreme Court, Rogow said, he “would have won it there — even with nine Justice Rehnquists.”

Coincidentally, the Florida state court, on the same day, affirmed the obscenity conviction of former record store owner Charles Freeman for his store’s sale of the *Nasty* album. Reported in: *Washington Post*, May 13.

church and state

Grand Rapids, Michigan

Focusing on the interplay between the free speech and establishment clauses of the First Amendment, the U.S. Court of Appeals for the Sixth Circuit held April 21 that the unattended, solitary display of a privately funded menorah in a public plaza in celebration of Chanukah violates the First Amendment. The twenty-foot menorah was placed on Grand Rapids’ principal plaza, which is surrounded by various government buildings, as well as private ones. No group had ever been denied a permit to use the plaza.

The court said the issue was whether the primary effect of the display was to advance religion, which must be determined by asking whether it amounts to an "endorsement in the eyes of a reasonable observer." The fact that the "speech" involved was that of a private group does not preclude a finding of endorsement if the government supports or promotes the speech, the court said. Reported in: *U.S. Law Week*, May 12.

libel

San Francisco, California

The U.S. Court of Appeals for the Ninth Circuit ruled April 6 that a psychoanalyst can go to trial against *The New Yorker* magazine and one of its writers who he says fabricated his quotations. The lawsuit by Jeffrey Masson, former director of the Freud Archives, was reinstated last June by the U.S. Supreme Court, which ruled that deliberately altering quotations can be libelous if the speaker's meaning was materially changed.

That ruling cleared the way for Masson to sue writer Janet Malcolm, who denied fabricating quotations in a 1983 article and a 1984 book. In its latest ruling, the Ninth Circuit court determined that Masson could also sue the magazine by trying to prove it had "obvious reasons to doubt" the truth of her article before publishing it.

Masson's suit was originally thrown out by U.S. District Court Judge Eugene Lynch and a panel of the Ninth Circuit, which said the quotations were not libelous even if they were fabricated. The Supreme Court disagreed, saying the meaning of his actual statements may have been distorted, and that Masson could try to prove his reputation was harmed by fabricated quotations.

One way Masson might prove a reckless falsehood is by showing that he complained about quotations in a draft of the article to a *New Yorker* fact-checker, and that the magazine then failed to double-check them against Malcolm's tape recordings and notes, the appeals court said.

A lawyer for the Association of American Publishers and the Magazine Publishers of America, Robert Sugarman, said *The New Yorker* was seemingly being penalized for taking the trouble to check facts before publishing. Subjecting such publications to libel suit "will be so expensive that it is going to cut down on the kinds of articles that responsible publishers are going to print," Sugarman said.

But the court, in an opinion written by Judge Alex Kozinski, said a *New Yorker* article was more likely to be trusted for its accuracy by readers, and might inflict far more harm if libelous, than an article in a supermarket tabloid. The court also ruled that Masson could not sue the publisher of Malcolm's book, Alfred A. Knopf, because Knopf had no reason to doubt the quotations before publication. Knopf knew that Masson had complained to *The New Yorker*, but

was entitled to rely on "the magazine's sterling reputation for accuracy and the existence of its fabled fact-checking department." Reported in: *New York Times*, April 7.

freedom of information

Raleigh, North Carolina

After a three-year legal battle with the FBI, a Raleigh lawyer won a bid to get the agency to be more open in assisting the public in freedom of information requests. A federal judge ordered the FBI to make available to the public its own internal manuals, which show how the bureau goes about keeping its records.

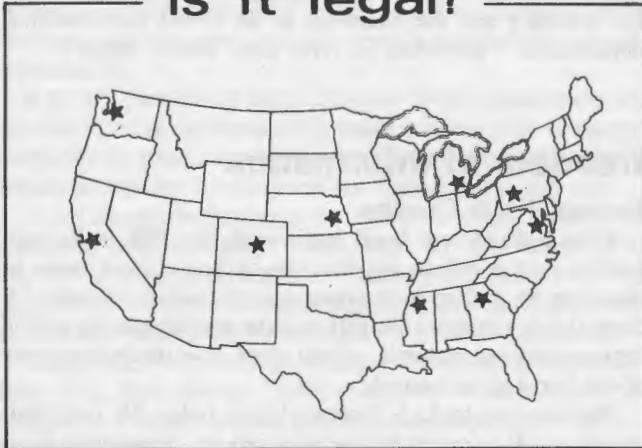
The decision by U.S. District Court Judge W. Earl Britt means it will be easier for the public to get information from the FBI, which has been criticized by many historians, researchers, and journalists for being slow and unhelpful. The decision, stemming from a suit brought against the FBI by lawyer Paul M. Green, requires the bureau to make its record-keeping manuals available at its public reading room in Washington, D.C. Reported in: *Raleigh News and Observer*, January 11. □

(in review . . . from page 104)

The chapters that follow are most stimulating and provocative. The first is illustrated by 11 graphic diagrams of interpretations of First Amendment protections. It should be read by all who are concerned about degrees of protection of free speech against both state and federal legislation. Of the two chapters on the definitions of the press, I found the second, on broadcast press, the most pointedly revealing. The considered discussion of case law involving the Federal Communications Commission in regard to licensing, etc., as compared to similar adjudication involving the print medium, especially in the areas of "equal time" and "fairness," is very clear and compelling. The discussion of privatization of the airwaves is good, both in detail and conclusions. That the author does not discuss the cable access argument in detail may be because the book was originally published in 1984; we might hope for an update on his thoughts about the legal aspects of the cableization of the airwaves.

All in all, this is a most worthwhile addition to the First Amendment bookshelf and very important reading for anyone concerned with the direction in which the currently conservative Supreme Court may be heading on these monumentally significant issues for the future of freedom of speech, press and thought in the United States. — Reviewed by *Richard M. Buck*, Assistant to the Executive Director, *The New York Public Library for the Performing Arts*. □

is it legal?



government censorship

Washington, D.C.

The Bush administration ordered implementation March 20 of a controversial four-year-old regulation that forbids medical personnel in more than 4,000 federally funded clinics nationwide from advising pregnant women about abortion. But the instructions contained a new provision that appeared to grant doctors more latitude in discussing abortion than was contained in the original rule. Still, family planners and supporters of abortion rights immediately denounced the order as government-sanctioned censorship.

The regulation was first issued in February 1988 but was not implemented because of court challenges. The U.S. Supreme Court upheld the regulation in May, 1991, in its controversial *Webster* decision.

The new language left considerable confusion about how the rule would be enforced. Officials deliberately left the impression that they were not going to interfere in physicians' private conversations with patients — leaving it up to doctors how they choose to interpret the ban. But the order also made clear that whatever leeway is afforded physicians is not extended to nurses and other health care workers, who are the primary contacts for poor women coming to federally-funded clinics.

Lois Murphy, a lawyer for the Abortion Rights Action League, said her organization's interpretation of the latest action in the protracted struggle over the emotional issue is that the "gag-rule" remains in place and must be observed in all federally funded clinics. Murphy noted that the regulations permit use of the word "abortion" "only to say abortion is not a method of family planning that this clinic can give advice or counsel about."

"I think he's trying to have it both ways," said Judith M. DeSarno, executive director of the National Family Planning and Reproductive Health Association. "It's internally inconsistent to say that doctors can talk about a legal procedure but others in the clinic cannot." DeSarno and others noted that counselors, nurses and nurse practitioners generally greet pregnant clients and refer them for prenatal care or to adoption agencies if they wish to continue their pregnancies or to abortion providers if they wish to terminate them.

The new guidelines state that "referral to specialized medical care for medical conditions which may complicate pregnancy still must be made, even if the ultimate result may be the termination of pregnancy." But the guidelines add that in general "staff should state that abortion counseling and abortion referral are not services provided" by federally funded projects.

President Bush, in a successful effort to prevent Congress from overriding his veto of a bill lifting the ban last November, promised that "nothing in these regulations is to prevent a woman from receiving complete medical information from a physician." That language was cited in the implementation order, with a further provision that the regulation "is intended to apply to medical information, provided only by a physician directly to his or her patient."

"It sounds as if this is it; that the gag rule is really coming and they're trying to sugar-coat it by saying that doctors aren't going to be gagged," concluded Mary Russell, chair of the Massachusetts Family Planning Association. Reported in: *Boston Globe*, March 21.

Washington, D.C.

The Bush administration removed a chapter on contraception from a best-selling guide on child-rearing before distributing the book to 275,000 federal workers. The six-page discussion of contraception and adolescent sexuality was deleted from the Special Federal Employees Edition of *Taking Care of Your Child* by a senior official who considered it "too controversial" for the workers to read.

One passage considered too offensive to be included in the government edition reads: "While a variety of techniques prevent pregnancy, the growing list and seriousness of sexual diseases serves as a reminder that other than abstinence only condoms used in combination with a spermicide can prevent infection. Your adolescent should discuss with his or her doctor the full range of contraceptive/disease prevention options."

Written by three physicians, the book has sold about a million copies since it was first published in 1977. The new third edition is being mailed to all federal employees with children who are covered by Blue Cross/Blue Shield health insurance.

The decision to remove the chapter on sexuality was approved by Constance Barry Newman, director of the Office of Personnel Management, the government's central personnel agency. "The White House did not participate in the

decision-making," a White House press representative declared.

Officials first planned to halt distribution of the book entirely because of the discussion of sexuality. But Curt Smith, director of the Retirement and Insurance Group, said he hit on the idea of making some alterations. "I wasn't going to allow a book like this to go to homes where some people would be offended, he said. "So I thought, what if we had a special edition without that chapter?"

The deleted section did not discuss sex in any detail but spoke to parents about discussing it with their children. "Discussions about sexuality between children and their parents is unusual in our society," the chapter begins. "However, we are at a crossroads in our history when frankness between parents and children about sexual behavior can mean the difference between continuing maturation into adulthood or a life prematurely encumbered with a child or prematurely terminated with AIDS."

It goes on: "Adolescents need someone to talk to about these issues. You can be sure they are talking with their friends, and some are talking with health care providers. It would be fine if they could talk comfortably with their parents about the issue of sexuality as well. Just saying no is not a conversation."

"Obviously, this was not our idea," commented Dr. James F. Fries, one of the authors, when informed about the deletion. But when told that the book would not be distributed if some material remained, he said: "We felt that the government was doing a neat thing here in sending out a book to improve health and reduce the cost of health care. So if we had 95 percent of our message there, we felt it was better than none." Reported in: *New York Times*, April 11.

schools

San Jose, California

California Superintendent of Public Instruction Bill Honig and the state PTA filed suit against a San Jose-area school district December 18 in a bid to end a district high school's use of Channel One, the advertising-supported classroom television news show. The suit was filed against the East Side Union High School District, where officials at Overfelt High School have been showing Whittle Communications' Channel One to students since 1990 in defiance of an administrative order by Honig against use of the program in California schools.

"There is no reason for us, at taxpayer expense, to provide Madison Avenue with a captive audience," Honig said.

The suit charges that the agreement between the district and Whittle violates the state constitution and public contract laws. Honig and the other plaintiffs, who include two Overfelt High teachers, sought both preliminary and permanent injunctions barring the school from showing Channel One.

The suit potentially has major implications for the use of Channel One in California schools. Already, 67 other public schools in the state subscribe to the program despite Honig's threats to withhold a portion of state funding from any district that shows Channel One. Reported in: *Education Week*, January 8.

Woodland Park, Colorado

A dispute over a mythology course at Woodland Park High School appears headed for the courts. Colorado Springs attorney Guy McCready announced May 1 that he was forming an Access to Justice Foundation to support a suit on behalf of five Woodland Park parents against the school district board and Colorado Commissioner of Education William P. Randall.

The controversy began in January when parent David Skipworth complained that a mandatory world literature course on Greek and Roman mythology was "satanic" and that it taught mythology as a religion (see *Newsletter*, May 1992, p. 82). He asked the school to drop the class as a requirement or replace it with a class on the Bible and Christianity.

The suit charges that the school and the state have breached their contract with Colorado students by failing to include instruction about personal morality and "the moral history of the United States."

"We're not talking about advancing any particular religion," said McCready. "Not only does Colorado state law allow morality to be taught, it requires it. When the Supreme Court justifiably excluded the teaching of religion in public schools, one consequence of that was also to exclude the teaching of morality in the schools. And that's what this suit is about." Reported in: *Colorado Springs Gazette Telegraph*, May 1.

television

Tupelo, Mississippi

The legal battle over *Damned in the USA* has escalated. The Emmy-Award-winning British television documentary about artistic censorship in the United States has been barred from exhibition in this country by a lawsuit filed against its producers by the Rev. Donald Wildmon (see *Newsletter*, March 1992, p. 61). On May 6, U.S. District Court Judge Lawrence McKenna dismissed a countersuit filed by England's Channel 4 and BBC filmmakers Paul Yule and Jonathan Stack, who sought a ruling that would make it possible for the film to air in the U.S.

Wildmon, who is featured prominently in the film, claims that in order to secure the pivotal interview with him, the filmmakers agreed that the documentary would not be aired anywhere except on England's Channel 4 without Wildmon's permission. Yule and Stack claim that the contract specifies only that no excerpts from the Wildmon interview would be sold or used out of context.

The critical clause in the contract states: "Mr. Yule and Mr. Stack agree specifically to refrain from making the interview available to any other media outlet including any portions that are not used in the television presentation. . . . In addition, Mr. Yule and Mr. Stack agree that any material obtained from this interview shall not form the basis of any other media presentations or [sic] England, the United States or any other country without written permission from American Family Association."

After the movie's American premiere last September, Wildmon filed a breach of contract suit in Mississippi, asking for \$2 million in damages. Martin Garbus, attorney for Yule and Stack, said that by issuing subpoenas to exhibitors, forcing them to testify under oath for depositions in the Mississippi trial, Wildmon established a "de facto" ban on the film. Yule noted that the threat of litigation lost the filmmakers a deal with the Public Broadcasting System.

The filmmakers, backed by a coalition of over twenty film and television associations, churches, and civil liberties groups, then filed a countersuit in New York. It was this countersuit on which Judge McKenna ruled on May 6. On May 13, the filmmakers filed a second countersuit, this time in Mississippi.

Meanwhile, Wildmon filed a petition seeking to include as additional defendants in the suit the British television network that commissioned the film and the network's American distributor. Wildmon also asked the court to approve new amendments to his suit that would allow him to claim additional punitive damages of \$5 million and to seek a permanent injunction preventing the documentary from ever being shown without his permission. Reported in: *New York Times*, April 10, May 4; *Chicago Tribune*, May 7; *Los Angeles Times*, March 13, April 10; *Wall Street Journal*, April 10; *New York Newsday*, April 10; *Washington Post*, April 21; *Variety*, April 13.

recordings

Omaha, Nebraska

Even as 2 Live Crew's 1990 obscenity conviction in Florida was being overturned (see page 118), the effects of a 2 Live Crew "sting" operation in Omaha remained to be seen. In mid-April, a number of record stores were charged with selling obscene material — 2 Live Crew's *Sports Weekend* album — to minors. Omaha City Council member Steve Exon (son of Democratic Senator James Exon) arranged with Omahans for Decency to send minors to nine record stores, six of which sold them the album, which carries a "Parental Advisory: Explicit Lyrics" sticker. The voluntary label is the Recording Industry Association of America's guide for parents, and many stores won't sell such a recording to anyone under 18.

Though *Sports Weekend* has not been judged obscene in Nebraska courts, Exon called for prosecution of the stores that sold it to the teenagers. Exon said he was inspired by the actions of Washington Governor Booth Gardner, who in March signed legislation adding "sound recordings" to existing state regulations outlawing sale of "erotic" materials to minors (see below).

In Omaha, the city prosecutor reviewed twenty pages of "transcriptions of vulgar lyrics" from *Sports Weekend* before deciding to file charges against the Musicland, Pickles, and Trans World, Inc., record store chains and against two individual Pickles' co-owners. Those charged included a Pickles store that had been prosecuted the year before for selling 2 Live Crew's *As Nasty As They Wanna Be* to an 11-year-old. Charges against Musicland were dropped after the store was able to show that it had, in fact, sold a "clean" version of the recording. Trans World and Pickles, however, pleaded not guilty and will go to trial.

Another retailer, Homer's, was not charged, having agreed not to sell stickered records to minors. The store now displays a sign with the RIAA sticker and a notice: "Due to Nebraska statutes, Homer's is prohibited by law from selling pre-recorded music products with a parental advisory sticker to a minor."

RIAA head Jason Berman pointed out that this was not the intention of the sticker, which has no legal standing in any state. "The labelling of an album with the industry's voluntary 'Parental Advisory' logo does not, in and of itself, identify a recording as obscene," he said. "It is not illegal to sell sound recordings to minors unless the recordings have been deemed obscene by a court of law." Reported in: *Washington Post*, May 13.

Seattle, Washington

Washington Governor Booth Gardner signed a law March 20 under which record store owners could face criminal charges if they sell recordings with sexually explicit lyrics to minors. The measure added "sound recordings" to a 22-year-old state law that bans the sale, distribution or exhibition to minors of "erotic literature, videos, photographs and other things."

Gardner called the law a "subtle warning shot" to the music industry, which he said has promised to impose self-regulation. However, the existing law has never been tested in court, and prosecutors say it is virtually unworkable because it fails to define what community standards are.

The 1969 law requires that someone first complain to a local prosecutor, who then reviews the material and decides whether to seek a court hearing. A county prosecuting attorney, following notice to a dealer, distributor or exhibitor, may go to court to argue that certain material is "erotic." If the judge finds it so, it must be labeled "adults only" and may not be displayed or sold in a manner that would make it readily accessible to anyone under 18.

Gardner signed the bill despite 4,000 faxed protests that swamped his office after MTV publicized the phone number. The governor's office reported that more mail, calls and faxes were received on this issue than anything except for health care reform, and that "virtually all" of the messages were from those opposed to the bill.

State Representative Dick King (D-Everett) proposed the legislation after a mother in his district complained that her four-year-old son used foul language after listening to a 2 Live Crew album bought by teenagers. The proposal passed the state House of Representatives by a vote of 89-7 and, after amendment, by a similar margin in the Senate.

"It feels as if all of a sudden we're taking a step back to a Puritan society," commented Ed Locke, president of Nastymix, a Seattle recording company. "The [measure] is so loosely worded you could have people pulling out the Beatles and calling them offensive. That's the potential. These are the things, obviously, that legislators don't think about. I think it's ridiculous." Reported in: *Washington Post*, April 1; *Tacoma News Tribune*, March 21.

press freedom

Pittsburgh, Pennsylvania

Federal prosecutors are taking a tough new approach to tracking down sources who confidentially leak information about criminal cases to reporters. A prosecutor in Pittsburgh has challenged the legal assumption that reporters can't be forced to turn over information about their sources in criminal cases, except under extreme circumstances.

In a case that left a federal appeals court sharply divided and may be headed for the U.S. Supreme Court, U.S. Attorney Thomas W. Corbett, Jr., contends that the government is entitled to compel testimony and documents from a reporter to trace the source of a sensitive leak.

In March, the full panel of the U.S. Court of Appeals for the Third Circuit in Philadelphia split 6-6 on whether a grand jury can compel a reporter from the *Pittsburgh Post-Gazette* and several other reporters to turn over confidential information.

Reporters have generally been granted limited immunity from compelled disclosure of confidential sources. Prosecutors typically have to show that they tried to obtain the information elsewhere, and failed, that it isn't available elsewhere and that it's crucial to their investigation. Since 1969, these procedures have been incorporated in Justice Department guidelines, which require federal prosecutors to make "all reasonable attempts" to obtain information from "alternative sources" before subpoenaing reporters.

But in a sharp departure, Corbett made no such effort. Moreover, he contends that he shouldn't have to. The case involves copies of FBI reports of interviews with a key prosecution witness in a 1990 racketeering case. The reports, embarrassing to prosecutors because they undercut their

witness's credibility, were leaked to reporters after a judge ruled they couldn't be publicly disseminated. A grand jury was convened to investigate the leak.

In May, 1991, a federal judge in Pittsburgh barred any compelled disclosure by reporters because federal prosecutors "made no effort to obtain the information from other sources." By its split vote of 6-6, the Third Circuit upheld that opinion, but issued none of its own.

Corbett said he was "looking very closely" at asking the U.S. Supreme Court to hear the case, but any decision would have to be made by the Justice Department in Washington. Reported in: *Wall Street Journal*, May 15.

Pontiac, Michigan

A city-run hospital in Pontiac, unhappy with news stories and editorials in the *Oakland Press*, acted unconstitutionally when it canceled its advertising, according to a lawsuit by the newspaper. The Pontiac-based publication asked a federal judge for a restraining order compelling North Oakland Medical Center to continue buying advertising in the newspaper.

The city of Pontiac last year asked voters to allow reorganization of its North Oakland Medical Center, once known as Pontiac General Hospital. The *Oakland Press* published reports about the referendum and opposed the ballot issue in editorials. The referendum was defeated.

"Because of the obvious bias and disregard for North Oakland Medical Center, we will discontinue all advertising in the *Oakland Press*," hospital board chair Cyril Hall wrote last December. Hall noted that the newspaper's publisher is a board member of a competing hospital.

"The money is a drop in the bucket," said Dawn Phillips, an attorney for *Oakland Press*. "No government has the right to punish you for your speech. This is outrageous conduct." Reported in: *Detroit News*, March 6.

etc.

Atlanta, Georgia

A military base mechanic whose anti-Bush bumper stickers were banned by his Air Force bosses went to court for the right to display the messages on the truck he drives to work. The ACLU filed a federal lawsuit April 28 on behalf of Jesse Ethredge, who was ordered to remove the stickers or keep the truck off Robins Air Force Base in Warner Robins, Georgia.

The ACLU said many base employees cars' have political bumper stickers but Ethredge was singled out because his criticized President Bush. "There are numerous political bumper stickers on the base with conservative themes," said Georgia ACLU legal director Gerry Weber. "America has never been a place where the government can suppress unfavorable views. The military has robbed Jesse Ethredge of the very freedom it is supposed to protect." Reported in: *Idaho Statesman*, April 27. □

success stories



libraries

Gilbert, Arizona

Nine books found objectionable by a parent will remain on the shelves of Neely Elementary School library by a unanimous vote of the Gilbert School Board. The decision also included a provision to notify parents each year that all district library books are available for review. A list of objections or complaints about any books would be kept in the library.

Jacqueline Mills, a Neely parent, had asked the board to remove the nine books from the library (see *Newsletter*, May 1992, p. 78). Her request was denied by committees at both the school and district levels. Mills said the books, which are about Halloween and scary stories, portrayed Satanism as "fun and games."

"Children are drawn in to want more," she said. "Before you know it, your adolescent is caught up in Satanism."

Neely Librarian Noralie Parsons said the questionable books had been on the shelves for many years without parental complaints. Three of the books are so popular with school children that they are rarely available. The other books are usually in demand only during the Halloween season.

Mills said she was not happy about the decision, but would ask the librarian to include the Bible and books of Bible stories. "If she refuses, I'll go through the procedure again," Mills said. "If they can have stories about the devil and witchcraft, then we should have stories about God and getting down on our knees and asking for God in our hearts." Reported in: *Gilbert Tribune*, March 6.

Perry, Ohio

Perry school board members voted unanimously March 24 to return a controversial children's book to school library shelves. *Blubber*, by Judy Blume, was taken from the library

at Whipple Elementary School last fall, when Brett Burner, the father of two Perry pupils, complained after his fourth-grade daughter brought the book home (see *Newsletter*, March 1992, p. 41).

A curriculum committee recommended in December that the book be retained, but the final decision was left with the school board. At the board meeting, Burner said he wanted *Blubber* banned because it contained foul language, promotes stealing, cheating and violence, and is not fit reading for elementary school pupils. He said he had letters from about two dozen parents who agreed with him. Judy Shaw, a teacher, responded by telling the board that the book helps her teach positive values.

Board president Irene Splittorf said that parents who are concerned about reading materials in school libraries should talk to the librarian who could then hold back the books from their children. "No one is being forced to read [*Blubber*], but no one is being denied the chance," Splittorf said. "The right to read this book should be protected, yet a parent also has a right to monitor his own child's reading. That does not give him the right to monitor other children's reading." Reported in: *Akron Beacon Journal*, March 25; *Canton Daily*, March 25.

Molalla, Oregon

A children's book about protecting old-growth forests won't be banned from an elementary school library in rural Clackamas County. Greg Newton, superintendent of the tiny Rural Dell School District, decided April 2 that nothing in the book *Eli's Songs* was objectionable enough to warrant banning it.

Written by Rural Dell teacher Monte Killingsworth, *Eli's Songs* is about a boy who moves to Oregon from Los Angeles. The boy, who stands out with his long hair and earring, finds solace in a stand of old-growth forest. When the trees are threatened by logging, the boy protests by climbing one of the trees and refusing to come down.

According to Killingsworth, the controversy centered around what a local political group claims are "anti-local" and "logger bashing" sentiments in the book. The situation first arose when a book signing for Killingsworth was scheduled at Rural Dell School. A notice which mentioned that the book had an "ecological slant" spurred a petition drive and a rally in opposition to the book.

Logging advocates also addressed a protest letter to the school board which said: "We are gravely concerned regarding the 'eco-mania' that is being pushed on our children in the classroom."

Parent Margie Hepler claimed the book portrays loggers as "men who are loud and drinking." She charged that the book is "a political book geared to children." Hepler said she was also concerned about talk of suicide in the book. "I am very concerned about the message this could send to a sensitive child reading this book," she said. Hepler, whose

husband is a log truck driver, also asked the district to place a coloring book entitled *Timbear* in the library to represent the timber industry's view.

Killingsworth was surprised by the controversy. "I thought people would object on a personal level, but I never expected to be front-page news," he said. "*Eli's Songs* is really more of an anti-city book than an anti-logging book. What's most scary," he added, "is that people are not objecting to any specific passages in my book; they are objecting to the ideas behind it."

In making his decision, Newton followed the recommendation of a district committee of teachers, a librarian and district residents. Although the committee agreed to keep the book in the library, its members acknowledged that certain parts of the story might be offensive. Reported in: *Klamath Falls Herald and News*, April 5; *Portland Oregonian*, April 3; *Publishers Weekly*, April 27.

Salem, Oregon

The Salem-Keizer School Board voted unanimously April 14 to retain two books that parents had wanted pulled from school library shelves. The board voted to retain without restriction *Witches, Pumpkins and Grinning Ghosts: The Story of the Halloween Symbols*, by Edna Barth, at sixteen elementary school libraries. The board also voted to retain *Mystery Walk*, by Robert McCammon, but restricted its use to high schools only. Previously, the district's sole copy was in a middle school.

Parent Tricia Munoz had requested the removal of *Witches, Pumpkins and Grinning Ghosts*, saying it could encourage children to experiment with witchcraft. Parent Aleta Esau asked the board to remove *Mystery Walk* because "it is full of violence and profanity." Reported in: *Salem Statesman-Journal*, April 15.

Weatherly, Pennsylvania

With two members absent, the Weatherly Area School Board voted 7-0 March 18 to uphold a review committee recommendation to keep books written by Christopher Pike in the school library. Pike, who writes teenage novels, has four titles on a young adult best seller list. Two parents asked the district to ban his books after their daughter checked out *Final Friends Book 3: The Graduation* (see *Newsletter*, May 1992, p. 81). The book contains scenes dealing with suicide and birth control, which the couple found inappropriate for middle school readers.

The school board and review committee disagreed. Librarian Edward Young, a member of the review committee, said Pike's books aren't required reading, and parents can direct their children to select other books if the ones the students bring home offend them. He said every person on the committee read *The Graduation* before making the decision.

"There are passages that are spicy, but this is going to turn up a lot in the middle school," he said. "There's nothing

in the book that's blatantly offensive to the middle school students these days." Reported in: *Hazelton Standard-Speaker*, March 19.

North Myrtle Beach, South Carolina

Horry County library officials stood by their decision to display an exhibit of paintings and sculptures at the Grand Strand Branch Library despite objections it is unsuitable for children. Some of the nine paintings and three sculptures by artist Mike Todd showed semi-nude women.

"This is nothing against Todd or the library. It's just inappropriate for viewing by children," said Rev. Robert Kantner, who spoke in behalf of a group of people opposing the exhibit.

"We've agreed that we do not censor," responded Caroline Ewing, chair of the board of the Horry County Memorial Libraries. "No one showed up for a public forum during our board meeting," she added. "They were invited to attend."

The most controversial of the works exhibited contained a reproduction of an earlier work by Todd called "Narcissus, or 20th Century Madonna." The original was removed from the Myrtle Beach Convention Center a decade ago after protests. Reported in: *Columbia State*, April 1.

Colony, Texas

Two requests to remove *Annie On My Mind* from the Colony Public Library were denied in February and March. Library Director Joan Sviensson described the book as a "love story between two high school girls."

The first request, by Diana McCaslin, was reviewed by the board, which voted unanimously February 27 to retain the book. "We run an open library," said board vice chair Ken Wood. "It is not our job to tell children what they can and cannot read — it is the parent's job." Less than a week later, patron Steve Glazener filed a second request to remove the book, but after a telephone poll the board agreed that "this book was thoroughly discussed at the February meeting, during which it was agreed that this work meets criteria within our materials selection policy and that no further action will be taken," said board chair Diana Kruzich.

Both McCaslin and Glazener charged that the book promotes homosexuality. "It promotes and encourages the gay lifestyle," said McCaslin. "In a confused young mind it seemingly offers answers in determining one's sexuality."

Glazener said the result of reading the work would be to "confuse a young reader about his sexuality." He said the book's aim was "the recruitment of young girls into a lesbian lifestyle."

"While recognizing that not all material is acceptable to every person who uses the library, the library board or library personnel are not censors of materials made available in the library," Kruzich said. "Just as members of the library board have indicated, they preview and otherwise evaluate material

read or viewed by their children, we encourage parents to evaluate materials their children are exposed to and decide accordingly for their own children." Reported in: *The Colony Ledger*, April 1.

Green River, Wyoming

The Sweetwater County Library Board voted March 16 not to remove *The Children on Troublemaker Street* from library shelves. A library patron had asked the board to consider removing the book because she was concerned about how it depicts the "almost swearing of a 4-year-old child." Board member Margaret Kinder said she read the book herself and found it "perfectly delightful," adding that she had no problem in saying it was a good book. Reported in: *Rock Springs Daily Rocket Miner*, March 17.

schools

Waterloo, Iowa

After listening to more than an hour's worth of impassioned pleas and dramatic testimonials, the Waterloo Board of Education voted 6-1 April 13 to purchase nearly \$600,000 worth of textbooks, including four novels that opponents claimed are indecent. Elaine Jaquith, the dissenting board member, charged that *The Handmaid's Tale*, by Margaret Atwood; *Lord of the Flies*, by William Golding; *Catcher in the Rye*, by J.D. Salinger; and *Of Mice and Men*, by John Steinbeck, contain profanity, lurid passages about sex, and statements defamatory to minorities, God, women, and the disabled.

The books, designated for use by advanced high school classes, were selected and reviewed by a 60-member committee that spent two years on the project. They were opposed by some parents and church groups. Phyllis and Jim Mortenson said they objected to the way the books were chosen, their lack of respect for human life and for Christianity, their treatment of women as sex objects, their portrayal of minorities, and their profanity. Mindy Anderson, a parent active in mobilizing opposition to the book purchases, urged "all Christians" to attend the board meeting to "let board members know we do not want our tax dollars spent on profanity and pornography."

Nevertheless, when parent Jackie Strouse asked those attending the meeting to stand if they favored the purchase, the overwhelming majority of the overflow crowd stood up. Student leaders at both Waterloo high schools spoke in favor of the book purchases.

"Individual liberties must be preserved and censorship must be thrown out," said Timothy Howe, student body president at West High School. "I consider any attempt being made to censor any book that is being recommended by the English faculty to be a direct assault on the individual liberties of the students of the Waterloo Community Schools.

Words are not weapons, they are tools. Let's build." Reported in: *Waterloo Courier*, April 10, 14; *Des Moines Register*, April 15, 16.

Kinston, North Carolina

Students at a Kinston middle school will be able to read about Huck Finn's adventures on the Mississippi River after all. The local school board decided by consensus and without formal vote in April that interim Superintendent Harold Fleming erred a month before when he told a teacher *The Adventures of Huckleberry Finn*, by Mark Twain, couldn't be assigned, said board chair Keith Seaforth.

Fleming, who is African-American, said that students at the predominantly black middle school were too young to read the book because of its use of the word "nigger." He also said "the teacher had not done the groundwork. You just don't go read something without giving the rationale why this should be done." The book remained in the school's library and was still taught in eleventh grade English classes.

Fleming was supported by Rochelle Middle School principal Earl Heath. "I think that there's some words, some language in there, that we may not want to deal with now," he said. "I've never read the book."

"I think it was an error in judgment," said board chair Seaforth. "That's what the board felt." Seaforth said Huck's way of speaking added to the book's realism. "[Huck] used the language of the day," he said. Four of the Kinston board's seven members are African-American, including Seaforth. Reported in: *Charlotte Observer*, March 28, April 22.

student press

Parkersburg, West Virginia

Parkersburg High School students and parents used their First Amendment rights March 10 to protest a local minister's efforts to gain school board censorship of the high school newspaper. The Rev. Clay Sloan called on the Wood County Board of Education to prevent further coverage of what he considers obscene topics in the award-winning student newspaper, *The Journal*.

Sloan first appeared before the school board February 25 to voice opposition to three editorials in the paper (see *Newsletter*, May 1992, p. 86). One dealt with censorship and the Wood County Citizens for Decency's lobbying efforts for an anti-pornography ordinance. Another proposed the installation of condom dispensers in school rest rooms. The third covered religious discrimination at school.

At his March appearance, Sloan admitted that he had little support among those parents and students who had mobilized to attend the meeting. "We're so concerned about this self-expression," he said. "But [the students] are not there so much to express themselves, but to learn."

Journal editor Anne Casto, flanked by the majority of the paper's staff, said in a prepared statement that the topics of censorship, condoms and religious discrimination were being discussed nationwide. "These were topics making people think. And to make people think is one purpose of journalism. . . . Our opinions may have been different from Rev. Sloan's, but nothing we did or said was in any way obscene," she said.

Board members told Sloan they saw no reason for further action because they did not believe the students had done anything wrong. Reported in: *Parkersburg News*, March 11; *Parkersburg Sentinel*, March 11.

bookstore

Omaha, Nebraska

An Omaha bookstore chain was not guilty of selling obscene material, Judge Thomas G. McQuade ruled April 30. McQuade, who heard the case against Read All About It without jury, said he applied what he believed to be contemporary community standards and did not find the material sold at the store obscene. He said the materials included "very common depictions of heterosexual and homosexual activity that are neither perverse, deviant, alarming, shameful, morbid, or offensive."

City Prosecutor Gary Bucchino had charged the store with selling two obscene books, *Stud Hunters* and *Seafood Tales*, and a magazine, *Black and Busty*. The charge was one of the few times a mainstream bookstore has been prosecuted for obscenity anywhere in the United States (see *Newsletter*, March 1992, p. 61).

The ruling came a week after Bucchino filed charges against local record stores for selling an allegedly obscene rap recording to a minor (see page 122). Bucchino filed charges in both the bookstore and recording cases after receiving complaints from Omaha for Decency. "I don't know why the judge threw it out, but it doesn't sit well with us," commented Don Kohls, chair of Omaha for Decency. Reported in: *Omaha World-Herald*, May 1.

art

San Francisco, California

Dayton Claudio's nude painting "Madonna," which was thrown out of San Francisco's Federal Building on March 2 after being on view for only an hour (see *Newsletter*, May 1992, p. 88), was back on display March 16. "I'm very happy because this is a victory for freedom of expression," said Claudio.

"We don't expect this kind of censorship in San Francisco," said Karl Olson, an attorney who won a reversal from the General Services Administration. "This was something

you might expect in Baghdad, but not Baghdad by the Bay." Olson had threatened a lawsuit on First Amendment grounds to win a reversal of the decision.

The GSA claimed the big colorful nude had been taken down because it was "not appropriate to the location." But Olson charged that the real reason for the removal was "squeamishness over the content," the fact that the woman's breasts are exposed. Reported in: *San Francisco Chronicle*, March 17.

AIDS

Hartford, Connecticut

A state AIDS-prevention commercial that was censored 3½ years ago at the request of then-Governor William O'Neill was cleared in April by his successor, Gov. Lowell Weicker, to air "as is." The spot portrays a man and woman beneath bedsheets discussing their anxiety about AIDS, and the need "to put this on" — a reference to a condom.

"I don't know if I'd call it uncensored, but the governor believes very strongly in the importance of effective AIDS prevention messages," said Avice Meehan, a Weicker staff member.

In 1988, O'Neill found the scene, produced for the Department of Health Services, too risqué. He ordered that the visual image be edited to remove the opening shot, taken from the foot of the bed. The edited version kept the camera focused on a nearby window. Reported in: *Hartford Courant*, April 3. □

awards, awards

Dorothea Hunter, Librarian at the Berry School Library in Detroit, Michigan, is the 1992 recipient of the ALA Intellectual Freedom Round Table's John Phillip Immroth Memorial Award for Intellectual Freedom. The award, a citation and \$500, honors individuals or groups who have demonstrated extraordinary courage in defense and support of intellectual freedom. Hunter successfully reinstated several titles that had been removed from media centers in the Detroit public schools.

Libraries, Erotica and Pornography, by Martha Cornog, is the 1992 recipient of the biennial Eli M. Oboler Memorial Award for the best published work in the area of intellectual freedom. The Oboler Award consists of a certificate of recognition and \$1,500, funded by NBW Associates, Inc., library consultants and planners.

Jocelyn Chadwick-Joshua was named winner of the Texas/Social Issues Resources Series Intellectual Freedom Award for her efforts in keeping *The Adventures of Huckleberry Finn* and *The Adventures of Tom Sawyer* as required reading in the Plano, Texas, Independent School District. The district had faced criticism that the books were "racist" and "degrading." □

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