

newsletter
on
intellectual
freedom



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

ISSN 0028-9485

November 1992 □ Volume XLI □ No. 6

survey shows school censorship at record level

Reports of censorship in America's public schools increased fifty percent last year, according to People for the American Way's annual survey of *Attacks on the Freedom to Learn*. The number of incidents reported by the survey was the greatest since People for the American Way began issuing annual reports ten years ago. The group reported that the "religious right" was the main organizing force behind the fight against "objectionable" textbooks and classroom materials.

Nationally, the survey documented 376 incidents in 44 states in which a parent, school official or church group demanded that classroom or library materials be removed or restricted from all students or otherwise exerted censorship pressure on schools, up from 229 incidents the previous year. The report said there were 348 cases in which organizations or individuals tried to remove or restrict the use of literature, instructional materials, activities or programs in classrooms and school libraries. Twenty-eight related episodes involved ideological pressure upon schools, without specific materials being targeted.

In 144 incidents, or 41 percent of the cases, the censors were successful. Restricted materials included novels, plays and drug-prevention instructional publications. The region where the most incidents were reported was the Midwest with 119; the Northeast had the fewest with 59 incidents. Florida, with 34 incidents, reported more than any other state, due largely to 20 incidents in the city of Jacksonville. California and Texas were next on the list with 27 incidents each.

The most frequently challenged book was John Steinbeck's classic novel, *Of Mice and Men*. Others included J.D. Salinger's *Catcher in the Rye*, Alice Walker's *The Color Purple*, Mark Twain's *Adventures of Huckleberry Finn*, Steinbeck's *The Grapes of Wrath*, and *A Wrinkle in Time*, by Madeleine L'Engle.

"Censorship is exploding in our public schools, a trend that poses a direct and serious threat to the mission of education in a free society," said Arthur J. Kropp, president of People for the American Way, a constitutional liberties organization, in announcing the results of the survey. "In many of these incidents, objectors charged that perfectly ordinary books were anti-family, anti-American or anti-God."

(continued on page 184)

Published by the ALA Intellectual Freedom Committee,
Candace Morgan, Chairperson.

in this issue

- school censorship surveyp. 179
- the PMRC todayp. 181
- gay literature targetedp. 182
- gay book's travailp. 183
- South African censorshipp. 183
- censorship dateline*: libraries, schools, student press, books, television, newspaper, comic strip, art, foreignp. 185
- from the bench*: film, copyright, commercial speech, artp. 190
- is it legal?*: cable television, broadcasting, begging, universities, bookstore, recordings, political expression, schoolp. 192
- success stories*: libraries, schools, universityp. 196

targets of the censor

books

- The Adventures of Huckleberry Finn*p. 179
- Billy Budd, KGB*p. 196
- Bridge to Tarabithia*p. 198
- Catcher in the Rye*p. 179
- The Color Purple*p. 179
- Daddy's Roommate*p. 182, 197, 198
- A Distance in a Man's Mind* [Egypt]p. 189
- The Duke Who Outlawed Jelly Beans*p. 182
- Earth Child*p. 187
- Elbert's Bad Word*p. 197
- Environmental Science: How the World Works* ...p. 187
- Gay Ideas: Outing and Other Controversies*p. 183
- Gloria Goes to Gay Pride*p. 182
- The Grapes of Wrath*p. 179
- The Great Brain*p. 186
- Heather Has Two Mommies*p. 182
- Humor 2*p. 185
- Of Mice and Men*p. 179
- The Outsiders*p. 199
- Sons and Lovers*p. 199
- Teller of Tales*p. 197
- The Truly Tasteless Joke Date Book 1993*p. 194
- Unlocking the Communication Puzzle*p. 194
- What You Can Do to Avoid AIDS*p. 188
- The Witches*p. 196

- Wizards, Warriors and You* seriesp. 185
- A Wrinkle in Time*p. 179

periodicals

- The Catalyst* [Miami-Dade C.C.]p. 187
- Dallas Morning News*p. 188
- Entertainment Weekly*p. 184
- Penthouse* [South Africa]p. 183
- Soldier of Fortune*p. 191
- Sports Illustrated*p. 184
- Time*p. 184

films

- Damned in the U.S.A.*p. 190
- The Last Temptation of Christ*p. 198
- Melancholieanne*p. 185
- Natural Summer*p. 192
- The Outsiders*p. 199
- Within Our Gates*p. 199

television

- Portrait of a Marriage*p. 188

record albums

- Efil4zaggin*p. 185
- Use Your Illusion* [South Africa]p. 189

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

(ISSN 0028-9485)

Newsletter on Intellectual Freedom is published bimonthly (Jan., March, May, July, Sept., Nov.) by the American Library Association, 50 E. Huron St., Chicago, Illinois 60611. Subscriptions: \$30 per year (includes annual index), back issues \$6 each from Subscription Department, American Library Association. Editorial mail should be addressed to the Office for Intellectual Freedom, 50 E. Huron St., Chicago, Illinois 60611. Second class postage paid at Chicago, Illinois at additional mailing offices. POSTMASTER: send address changes to *Newsletter on Intellectual Freedom*, 50 E. Huron St., Chicago, Illinois 60611.

has Tipper changed her tune?

Since Tennessee Sen. Albert Gore, Jr., was chosen as Gov. Bill Clinton's running mate, the spotlight has again been on Gore's wife, Tipper. She, of course, was a founding member of the Parents Music Resource Center, which was instrumental in establishing, in 1985, the advisories that can be found on some records containing material that might not be suitable for children. Along with Susan Baker, wife of then-Treasury Secretary James Baker, Gore and the PMRC did more to focus media attention on "porn rock" than any other group, most visibly in 1985 Senate hearings that featured testimony by Frank Zappa, John Denver and Dee Snider of Twisted Sister.

Al Gore, then a freshman senator, was part of those hearings, where his wife testified and was mocked by Zappa, who called PMRC proposals (which then included a movielike ratings system) "the equivalent of treating dandruff with decapitation" and a "sinister kind of 'toilet training program' to housebreak all composers and performers because of the lyrics of a few."

The PMRC quickly backed away from a ratings system position, accepting the Recording Industry Association of America's (RIAA) voluntary warning label. In 1990, Tipper Gore and the PMRC publicly opposed mandatory labeling bills circulating in almost two dozen states and convinced legislators to drop those bills after the RIAA developed a generic warning sticker. Gore, who has spoken against censorship and opposed bans on sales of stickered albums to minors, also testified against a Louisiana labeling bill that passed, but was subsequently vetoed by the governor.

Still, Gore has been criticized for contributing to a "climate of censorship" because some chains won't carry stickered albums, or they segregate them and restrict sales to minors. "When Tipper Gore apologizes to the music industry and stands up for one censored or proscribed artist, then I'll think maybe she's changed her spots," said Dave Marsh, *Rock and Roll Confidential* editor and Right to Rock activist. "Until then, she's a leopard."

But Danny Goldberg, senior vice president of Atlantic Records and chair of the Southern California affiliate of the ACLU, is willing to let bygones be bygones. "I have not heard of them [PMRC] doing anything the last couple of years," he said. "I have to give them credit. Most organizations, when they achieve one goal, tend to find subsequent agendas. But it seems they have reduced their activities."

Disputing the suggestion that the PMRC has become "inactive," Marsh said Gore recently told the Associated Press "how proud she is" of the PMRC, and that the organization has doubled the frequency of its newsletter and quadrupled sales of its anti-rock "Rising to the Challenge" video. "If Tipper Gore has changed her stripes, why isn't

she going to bat for Ice-T? Rights erode, they don't disappear," Marsh concluded.

In fact, the PMRC does still exist, but operates on a smaller scale. According to its federal tax returns, the PMRC's revenues dropped off dramatically in 1991 from the previous year's \$200,530 to \$94,446.

"Our primary activity is basically to provide consumers information about lyric content," said PMRC executive director Suzie Talaat, a former Reagan administration staffer and one of the organization's two full-time employees. "We compile information which includes lyrics, concert reviews, album reviews, interviews with performers. We send them out for free to parents who request them. In addition, we also compile studies on music-related issues."

"From the PMRC's point of view, our goal is that the parent is aware of what is available to children," Talaat continued. "We are not seeking to eliminate those records from the marketplace, but to provide parents the opportunity to know what is contained in them."

Talaat said that Gore, one of four "executive members" of the organization's board, remains active. "We only see the board of directors once a year at the annual meeting, but Tipper is an executive member and we see her more often," she said. "We are constantly in touch with Tipper, sharing information with her and discussing operations."

While the PMRC has emphasized its opposition to government censorship, it has been at the least ambiguous about private sector initiatives. For instance, Geffen Records' refusal to distribute a rap album by the Geto Boys received implicit approval in the PMRC video. Gore's 1987 book, *Raising PG Kids in an X-rated Society*, praised Columbia Records' decision to cancel an agreement to release an album by the group Slayer.

A PMRC pamphlet defines voluntary labeling as the record companies' "expression of their own freedom of the press." It also advocates a store owner's right not to "make a sale against his or her own will" and defends self-censorship by musicians.

"In order to get a record company to produce their music, some performers may change their lyrics," the pamphlet reads. "That is not an infringement of the musicians' rights, rather it is a business decision the performers make in order to increase their own income."

"Our position always was no matter how limited the PMRC's goals, they were basically advocating censorship," said Jon Cummings of the ACLU's Arts Censorship Project. "It starts with a label and it goes on with a store pulling a record from its shelf and restricting the access. It starts with a chilling effect and ends up with censorship." Reported in: *Washington Post*, July 22; *Southtown Economist*, August 2. □

targeted books offered free to libraries

Two books of gay literature for young readers that have come under attack by fundamentalist groups are being offered free to libraries, in an effort by the publisher to counter those censorship efforts. *Daddy's Roommate*, by Michael Willhoite, and *The Duke Who Outlawed Jelly Beans* were both well received and won awards, said publisher Sasha Alyson, but are not available in some libraries because of what he called "an organized movement by the right wing to check them out and forget to return them."

The books are published by Alyson Wonderland, a two-year-old imprint of children's books depicting families with gay parents. Alyson said that *Daddy's Roommate*, a picture book about a boy whose divorced father is gay, has been targeted, in particular, by Concerned Women for America, who have demanded that it be removed from library shelves in cities around the country (see page 197). In every case, he noted, libraries have refused, despite considerable pressure.

"Having failed with that strategy," he said, "they're now trying to make our books unavailable by checking them out themselves." He noted that Harrisburg, Pennsylvania, library director Rich Bowra cited a "long waiting list" for *Daddy's Roommate*, in the wake of an unsuccessful petition drive to get the book removed.

Much of the controversy has focused around *Daddy's Roommate*, but with ten books in print so far, Alyson anticipates that the Alyson Wonderland imprint will become the focus of more controversy.

Among the attacks so far:

- *Olympia, Washington*: A local parent objected to finding *Daddy's Roommate* in the children's section of the library. Kathy Niblack complained that the book "says being gay is another kind of love," and insisted that it be moved to an adult section. Forty patrons showed up for a two-hour hearing on the subject, after which the Timberland Regional Library Board of Directors voted to keep the book in the children's section. Acting library director Michael Crose said this was the first such case that he'd encountered in his twelve years as a librarian.

- *Springfield, Oregon*: On May 19, residents approved a local initiative that prohibited the use of city funds to "promote, encourage, or facilitate homosexuality." However, the library had already purchased a copy of *The Duke Who Outlawed Jelly Beans*, and children's librarian Judy Harold accepted a donated copy of *Daddy's Roommate*. Both books came under fire from local fundamentalists as part of their campaign, but so far, both books are still on the shelf.

- *Roswell, New Mexico*: As protesters marched outside,

150 people attended the monthly board meeting of the Roswell Public Library to debate whether *Daddy's Roommate* should be on the shelves. Board president Robert Belles stood his ground, stating that "our policy is to allow free access to everything in the library."

- *Goldsboro, North Carolina*: *Daddy's Roommate* came under fire here after a lead story on page one of the local *News-Argus* reported that *Daddy's Roommate* "promotes a mailing list for gay and lesbian books and videos." An editorial in the same paper set out to fan readers' worst fears by asking, "What positive influence can should [sic] a book possibly have on small children who might happen to pick it up at the library? What is its message to the youngster who subsequently might be propositioned by an adult male in a theatre or rest room?" Wayne County Public Library board member Shirley T. Jones said that not since a controversy over *The Joy of Sex* in 1974 had a book faced such opposition. At a special meeting on August 21, the Board of Trustees voted 7-2 against evicting *Daddy's Roommate*.

- *Ft. Myers, Florida*: *Daddy's Roommate* has come under attack by a mother who claims that she found her child browsing through it in the local library, and is now afraid that she can never erase "those images" from the child's memory. Seven formal protests have been filed against the book since February. After a 5-member review committee ruled that the book should remain on the shelves, protesters went to the library commission with a 100-signature petition. Library director Dorothy Schirtzinger said that "In my twelve years here, we've never had" so much protest against a book.

- *Harrisburg, Pennsylvania*: A woman complained about *Daddy's Roommate*, which she claimed to have unwittingly found on the shelf where "anyone could get it." (It later turned out that she had already been passing the book around the state legislature and complaining about it.) Faced with a petition drive and letter-writing campaign that denounced the book (accompanied by coverage in the Harrisburg and Philadelphia media), the Dauphin County Library re-examined it, but decided to keep it on the shelf. The library also replaced copies that had been checked out and "lost" by a patron. The protesters turned to the county commission with a 2000-signature petition, but the commission voted 2-1 to back the library's decision. "There's quite a waiting list for the book now," said library director Rich Bowra.

- *Queens, New York*: Only in the culturally diverse city of New York did authorities back down, and it was a school board, not a library, that did so. In Queens, the school board voted unanimously to reject a first-grade curriculum entitled "Children of the Rainbow," because its bibliography listed three Alyson Wonderland titles: *Daddy's Roommate*, *Heather Has Two Mommies*, and *Gloria Goes to Gay Pride*. □

printer, publisher hard to find for gay book

After receiving rejections from 23 printers, Beacon Press finally found a printing company willing to print a controversial book featuring graphic illustrations by Robert Maplethorpe and other gay artists. Rapoport Metropolitan Printing Corporation of New York agreed in principle to print *Gay Ideas: Outing and Other Controversies*, by Richard Mohr.

The book is a collection of essays on current moral issues confronting gay men. In its most provocative chapter, Mohr, a professor philosophy at the University of Illinois and author of *Gay Justice*, analyzes gay art. The photographs and illustrations that the 23 printers found objectionable are largely contained in that chapter.

"This book has been as carefully edited as any book we've ever done," said Wendy Strothman, director of Beacon Press. "For printers to be able to overrule our editorial judgment is really quite frightening."

"If a publisher is willing to take the legal responsibility, I feel it's my job to print it," said Sidney Rapoport, president of Rapoport Metropolitan Printing. "Printers themselves are the worst prudes in the world. They don't understand the idea of censorship. I read a good portion of the text. It's a deeply intellectual, serious treatment of the subject matter." A number of printers cited adverse employee reaction as the main reason they refused to take the book.

Beacon's experience with printers was nearly matched by author Mohr's experience with university presses. Writing in the *Chronicle of Higher Education*, he said the controversial images "caused the manuscript to crash and burn through university presses."

"I found that the presses no longer fulfill their goal to present intellectually challenging, if unpopular, ideas. Initially, I offered the book to my home university's press. The pattern established there spread across academic publishing: huge enthusiasm among editors, strong to rave referees' reports, then rejection by the faculty advisory boards that usually rubberstamp editors' recommendations."

The problem, Mohr was told, was "fear that the state would cut appropriations to the university if the book included the graphics."

The initial rejection was followed by ten others, including the Ivy League press that had published Mohr's previous book and of whose lesbian-gay book series he was founder and general editor.

"One large university press with a trade division," Mohr reported, "was launching a gay book series with an announcement that, in postmodern fashion, heralded the end of academic objectivity; all judgments, it claimed, are ideological, mere products of desire and politics." That press rejected *Gay Ideas* because it "lacked academic objectivity."

Mohr's book was even rejected for inclusion in the series that he was editing, although a lavishly edited history of homoerotic photography was accepted. "An editor explained the two books' different fates before the same faculty oversight board: 'Well, you see, *that* book treats the sex as art, while *your* book treats the art as sex.'" Mohr resigned the editorship, forgoing considerable royalties.

While Rutgers University Press did offer to publish the book, Mohr ultimately accepted an attractive offer from Beacon, which is affiliated with the Unitarian and Universalist Churches. Reported in: *Publishers Weekly*, August 3. □

as the nipple goes, so goes South Africa

If it is difficult to follow South Africa's political ups and downs, one can always, one reporter contends, keep up with developments by monitoring the status of the female nipple. According to a report published in the *Chicago Tribune* by reporter Liz Sly, since South Africa began dismantling its apartheid laws 2½ years ago, the amount of nipple that the country's strait-laced censors will allow in men's magazines has served as an uncannily accurate barometer of the prevailing political climate.

Under apartheid, adult men's magazines weren't permitted at all. The political oppression of blacks was accompanied by strict censorship laws that outlawed thousands of books, movies and magazines, from the works of Karl Marx to Graham Greene and Monty Python. Even in today's more liberal political climate, a strong puritanical streak remains. A recent experiment to allow cinemas to open on Sundays was scrapped after only a few weeks, because of an outburst of religious protest. Four-letter obscenities are now permitted in films, but each use of the words "God" and "damn" by a movie actor is judged on individual merit before being passed.

"If he is saying it loudly or looking at the camera while he says it, they will cut it," said Mark Rosin, a lawyer who has fought frequent battles with the censors. "Sometimes you can't believe the absurdity of what they will do."

Which is why the nipple is such a useful litmus test — either you see it or you don't. As a survey of the new South Africa edition of the American magazine *Penthouse* demonstrates, the story of the nipple's gradual emergence from its hiding place behind underwear and swimsuits has closely mirrored the country's lurching progress toward reform.

In the first issue of *Penthouse* in March, 1991, a little more than a year after the release of African National Congress leader Nelson Mandela started South Africa on the path to

negotiations, there were glimpses of small portions of breast, but the nipple remained carefully concealed behind frilly underwear. In fact, the photos were so fuzzy it was difficult to identify with precision any portion of the centerfold's anatomy. "We couldn't find a printer anywhere in the country who had ever dealt with flesh tones before, so we had a lot of technical problems," said editor Claudia Boffard.

As the government and the African National Congress argued heatedly over what form their negotiations should take, *Penthouse* battled with the censors. One issue was banned because of a fashion spread shot in Paris in which some of the models wore see-through garments. Another, in which the model's relevant parts were hidden from view, was banned because the woman was deemed to be gazing at the camera "too invitingly."

Altogether, five of the nine issues published in 1991 were judged too obscene for public release, but in each case *Penthouse* lawyers managed to get the banning overturned on appeal. The nipple, however, remained elusively out of sight, as did the African National Congress' goal of face-to-face negotiations with the government.

But by December, as the two political sides set dates for their talks, a solitary but unmistakable nipple was permitted to escape from a bustier worn by one of the models. By the time January's edition hit the newsstands, the talks had begun and the nipple was finally freed from confinement. *Penthouse* readers were treated to their first full frontal pair of naked breasts, attached to the body of Lisa, the "pet" of that historic month.

Since then, there has been no turning back, which is precisely what the African National Congress and the government would have you believe about their negotiations. A recent issue of *Penthouse* contained no less than 48 fully revealed nipples — in pairs, in profile and peeking coyly from underwear. The censors have not even tried to ban the magazine once this year.

By American standards, South African *Penthouse* is still exceptionally tame. But for South Africa, the nipple's metamorphosis has been little short of remarkable. "I was absolutely flabbergasted," an exultant reader wrote to the editor. "I never thought I'd see the day."

But Boffard says the nipple is as far as the censors are prepared to go for now. "South Africa just isn't ready for pubic hair," she said. "And we're years away from genitals."

Meanwhile, the country's reform process has stalled, and the African National Congress has suspended talks with the government. Apartheid laws have been stripped away, but that final step of allowing blacks to vote has yet to be taken. Perhaps this is where the stories of the nipple and the reform process will part company. Blacks have made it clear they are not prepared to wait much longer for anything less than full-fledged democracy and plan massive nationwide protests to put pressure on the government.

But the majority of *Penthouse's* white, middle-class readers seem content to settle for what they have. A few letters arrive demanding more explicit photographs, said Boffard, but most are full of praise for the magazine's bold battles on behalf of breasts.

"I wouldn't even try to go any further," said Boffard. "It would just be too shocking for people who have historically been shielded from pubic shots to suddenly see them in a magazine. Even having men and women on the same page is out of the question."

There is still hope that reform can overcome the current stalemate, however. After a brief fight among themselves, the censors have decided to allow the sizzling Michael Douglas-Sharon Stone movie thriller *Basic Instinct*, in which there is a brief but unmistakable glimpse of the nether parts of a woman's anatomy, to be screened uncut.

"I've seen it five times and I still don't know if there is pubic hair or not in that scene, because it's so short," said attorney Rosin, who represents the film's distributors. "You really can't tell, but it is suggested. This film has definitely taken us a step further." Reported in: *Chicago Tribune*, August 9. □

(survey . . . from page 179)

The most frequent reason for demanding the removal of school material was the perception that it was "at odds with the challenger's religious views," or considered "satanic," "new age" or "anti-Christian." Others complained of profane language or objectionable references to sexuality. In one incident, a principal in Baltimore removed a copy of *Entertainment Weekly*, available in the middle school library, that contained "risque" photographs of pop music star Madonna. The principal suggested that the library replace it with *Time*. *Time* ran the same Madonna photographs, however, and it too was removed. The principal went on to order the cancellation of *Sports Illustrated* because it contained cigarette and liquor ads.

In Meridian, Idaho, the conservative group Citizens for Excellence in Education threatened to sue a school district for teaching students about AIDS. District officials issued a gag order to stop all AIDS instruction.

Kropp said the "rising attacks on public education" were part of a larger "national climate of intolerance" where there is "hair-trigger animosity toward any idea, thought, book, painting, film or piece of music that anyone anywhere finds objectionable." Reported in: *Washington Post*, September 2; *Boston Globe*, September 2. □

— censorship dateline



libraries

Fairfield, Ohio

The *Wizards, Warriors and You* series of books was removed from the libraries of Fairfield elementary schools in July after a nine-member review committee agreed with parents Barbara and Tim Bundus, who filed a complaint in June (see *Newsletter*, September 1992, p. 138). The decision was supported by Superintendent Charles Wiedenmann.

"We didn't recommend pulling the books because of the wizardry themes," said Erick Cook, committee chair and a former school principal. "We felt it was no different than reading *Snow White and the Seven Dwarfs*. It's all fantasy stuff. But after applying our guidelines for books, we felt the books didn't meet all of our criteria. For example, we felt the age appropriateness was better suited to a middle school setting."

A second challenge, in which the Rev. and Mrs. Thomas Sawhook joined the Bunduses in objecting to the third grade Esteem Team program, was not upheld. The complaint said children in the program are encouraged to view their family situations in a negative light and are encouraged to disclose personal information or feelings. Reported in: *Cincinnati Enquirer*, July 16; *Hamilton Journal-News*, July 16, 17.

Marysville, Washington

The cartoons were supposed to be funny but a Marysville mother wasn't laughing when her children quizzed her after reading a book checked out of the library by a neighbor. Marcia Boffey told the Sno-Isle Regional Library System Board of Trustees August 24 that she was offended by the book, *Humor 2*, a collection of satiric cartoons.

Boffey said the book is appealing to children at first glance but that the jokes deal with adult subjects. "I laughed at a few of the cartoons but they are obviously for adults," she said. "I've had difficulty in explaining some of them." Boffey said some of the cartoons are demeaning to women and depict sexual activity in church and bestiality.

She asked the board members to do something to help identify material not suitable for children. "You try to teach them respect for people and things," she said. "Maybe you could put a little red square on the side."

Boffey said she was unaware that labeling materials had become a major issue before the board after the board in April banned a tape, *Efil4zaggin*, by the rap group N.W.A. (see *Newsletter*, September 1992, p. 139). Board member Stan Schaefer at the July meeting asked Sno-Isle librarians to investigate methods and problems with restricting materials from younger library patrons. Reported in: *Everett Herald*, August 25.

schools

Tulare, California

The Tulare Joint Union High School District said July 9 it would continue to fight a lawsuit filed by the ACLU on behalf of Valley High School students who made a documentary film on teenage pregnancy containing language the board found offensive (see *Newsletter*, September 1992, p. 141). The board said it would not drop its request to have the language removed, despite Tulare County Superior Court Judge Kenneth Conn's decision to grant a preliminary injunction allowing the students to show the film. The film, *Melancholieanne*, won in the high school drama category of the Visions West National Student Video Contest.

"The board took this action because of a strong belief that it has the authority and the responsibility to set the substance of the curriculum," said board president Richard Ortega in a prepared statement. "Part of that responsibility is to insist that professional standards of English and sound educational practices prevail in our schools."

"This is not a First Amendment issue. There are U.S. Supreme Court decisions indicating that a student's right to freedom of expression is not absolute and that the restrictions on freedom of expression at the elementary and secondary level do not violate the First Amendment to the U.S. Constitution," the statement added.

"At this point, the film is going to be shown," responded Peter Goodman, a San Francisco attorney who worked on the students' lawsuit. "Why should everybody spend a lot of money litigating this thing?" Reported in: *Visalia Times-Delta*, July 9, 10.

New Haven, Connecticut

Caitlin Cleary wasn't an average student at Hillhouse High School — and not just because she was the school's 1992 valedictorian. Cleary was one of just nine white students at Hillhouse, which is predominantly black. She was the only white in the senior class.

Cleary said the experience was the most valuable lesson she received at Hillhouse. But when she tried to make that experience the focus of her valedictory address, the speech was censored. Hillhouse administrators told her a speech about race relations that, among other things, urged more integration at the school, would be too controversial for graduation. Instead, Cleary gave a quick speech praising the traditional academic opportunities she had at Hillhouse.

"If I had it to do over again, I probably would have said what I wanted to," she said later. "Some people don't want to hear it and want to dance around the issue of race relations, [but] I think students should have a chance to say what they think."

Cleary's initial speech called for more integration at Hillhouse and urged her classmates to speak out about race relations — both at Hillhouse and outside the school. She said her time at Hillhouse convinced her integrated schools are the only way to stem racial tension.

"Hillhouse offered me a different perspective on life and race relations, and there's nowhere else I could have gotten that," Cleary told an interviewer. "I found out what it was like to be the different one. I was alerted to the fact that there is an overwhelming majority of all-white schools with just a few black kids, and they should be more integrated — and so should Hillhouse."

Earlier in the spring, Cleary had written an editorial on the subject of integration for the school newspaper. She said, however, that she wanted to reach "a larger audience. Even though I sort of expected them to be upset, I thought it was really wrong for my speech to be censored. What I thought was important."

Cleary transferred to Hillhouse after St. Mary's High School, an all-girls Catholic school, shut down in 1991. She will continue her education at Yale University.

Some of Cleary's classmates said they would have welcomed a speech on race relations. "I can see [school administrators'] point a little bit, but not to censor. I wouldn't have been offended," said Glenn A. Johnson, who was president of the student council.

"When you talk about 'appropriate places,' you want to hide someone's opinion," added Cliff Watson, another classmate. "People feel it's a sensitive topic, but it's reality, and there's no 'appropriate place' to talk about reality."

William Reynolds, the Hillhouse assistant principal who ran the graduation, declined comment, but Acting Superintendent of Schools Reginald Mayo said he wanted to meet with Cleary to investigate the incident. In January, the New Haven chapter of the NAACP issued a report charging that New Haven schools were racially imbalanced. Reported in: *New Haven Register*, July 12.

Green Cove Springs, Florida

Clay County guidance counselors and teachers cried censorship August 20 after seven months of controversy over two self-esteem programs ended with the programs being removed from the school system for good. "Academic freedom is once again on the line," complained teacher Lynda Schmierer. "Will all the materials mentioning dolphins and dragons now be pulled?"

School board members voted to remove "Pumsy in Pursuit of Excellence" and "DUSO — Developing and Understanding the Self and Others" from Clay County elementary schools because of the alleged negativity expressed in the self-esteem programs.

Pumsy, which is taught by guidance counselors with a dragon puppet, and DUSO, which had been taught for nineteen years with a dolphin puppet, had been under attack because of allegations the programs use hypnosis and guided imagery.

"There are some parts of the program that can be harmful," said board member Lisa Graham. "I would rather not have the program and wait for something to happen, than to have the program and something happen. If one child was affected by the program in Clay County, I would feel I did not do my job."

"I don't think 'Pumsy the Dragon' is a devil incarnate," commented board member Charles Mount, "and I don't think any guidance counselor or teacher is doing anything to jeopardize the lives of children. But I'd rather see something more upbeat and positive."

But guidance counselors and teachers accused board members of listening only to the concerns of a small group. "This is a small group of parents with very rigid religious backgrounds trying to impose their values on the entire system and you're buying into that," argued Ridgeview Elementary School Teacher of the Year Janet Keskinen. "It is time for you to consider that there is more than one viewpoint in this country."

"This issue is not about two small puppets. It is about censorship through intimidation, threat and fear," said parent Gwen Hannah.

Parent Candy Johnson originally asked for the programs to be pulled in February after her son said he learned from the Pumsy program that his mind was divided into three parts. She said that fears about the program were real.

"Are we waiting for a court case here in Clay County?" she asked the board. "This is not about our teachers and our guidance counselors. Our teachers and guidance counselors are great. These are programs being taught all over the country." Reported in: *Clay Today*, August 21.

Port Jervis, New York

A novel that contains a discussion of suicide is not suitable for fourth- and fifth-graders, the Port Jervis school board decided July 21. The decision came after parent Gary Derkacz questioned the use of *The Great Brain*, a novel by

John D. Fitzgerald about growing up in rural Utah in the late 1880s. The book was on a list of supplemental reading material for fourth-graders.

In one chapter in the book, assigned to 25 of 250 pupils during the 1991-92 school year, a character who is disabled talks to a friend about how to commit suicide. The board's education committee chair, Burton Thelander, said children may not have the skills to differentiate between reality and fantasy. Reported in: *Port Jervis Times Herald Record*, July 22.

Tulsa, Oklahoma

Opponents say the book is a manual for altering children's minds through psychological games and hypnotic techniques. Defenders say it is a wonderful book for teaching children to value and protect the Earth. The book is *Earth Child*, a compendium of "games, stories, activities, experiments and ideas about living lightly on planet Earth," by Kathryn Sheehan and Mary Waidner. Its introduction into schools this summer sparked a battle among Tulsa County parents and educators.

In Broken Arrow, a group of parents petitioned the school board to remove the book from the curriculum because it promotes the Hindu religion and other religious rituals. The protest was led by Families Restoring Excellence in Education (FREE) and won the support of the Public Service Company of Oklahoma, which announced August 11 it would no longer sponsor a pilot program that provided the book and training workshops to teachers. A company representative said, "Controversy surrounding certain content of the book was creating divisiveness."

From the other side, on August 21 a group of educators, religious leaders and environmentalists announced the formation of a Coalition to Protect the First Amendment and Academic Freedom. "We view this [assault on *Earth Child*] as a broader attempt to restrict teachers in the classroom, to portray curriculum committees as inadequate, and to intimidate officials," said coalition organizer Sandy Shadley. Reported in: *Tulsa World*, August 12, 22, 23; *Tulsa Tribune*, August 12, 22.

Harrisburg, Pennsylvania

Cumberland Valley High School teacher Sam Robertson thought he had found a suitable textbook for his environmental concerns mini-course. But some school board members had concerns of their own about *Environmental Science: How the World Works*, by Bernard Nebel.

Board member Brian Gross charged that the book is "extremely biased" and too political and liberal to be used in the elective course open to high school juniors and seniors. "I feel the book is extremely one-sided," Gross said. "This book promotes political action — which is good — but it advises them in only one concern. It addresses some issues that I don't think we should be involved in, like encouraging students to support organizations that are trying to promulgate

birth control. My primary concern is that it doesn't cover the entire topic of environmental concerns. This book, I think, is very, very narrow-minded. It's probably what's considered a politically correct book."

The book came before the board with the recommendation of Robertson and Mel Lingle, head of the social studies department. After reviewing the text, Superintendent Orr N. Brenneman placed its acquisition on the board's agenda.

"I understand that the board has legitimate concerns," Brenneman said. "The book is very opinionated in that the author says there should be population restraints." He added, however, that the lack of balance in the text could be supplemented by other handouts and materials.

Lingle said that if the book was rejected, there was an alternative selection, but it would be too late for use this year. Robertson would then have to teach the course as he has since 1983 — using pamphlets, photocopied materials, and guest speakers. Lingle said material for the course had never come before the board before and that no complaints had ever been received about the course. He said it was the first time in twenty years that the board had questioned a textbook.

Board president Mark Thomas said his colleagues were blowing the issue out of proportion. After a brief review of the book, he said, he found nothing offensive. "Some members may have a problem with it," Thomas said. "But you have to remember, we're talking about juniors and seniors. They are entitled to these points of view." Reported in: *Harrisburg Patriot*, August 12; *Carlisle Sentinel*, August 11; *North Hills News Record*, August 14.

student press

Miami, Florida

Ten thousand copies of a special issue of the school newspaper at Miami-Dade Community College's Kendall Campus were thrown away in July by school administrators, an act the student editor called censorship. "When I went home they were stacked in the office," said J.C. Cubas, editor of *The Catalyst*. "When I came in the next morning, they were gone. I'm really upset about it. I never thought such a small paper would stir up such a flare."

College administrators called the episode a misunderstanding. Jim Harvey, dean of faculty and student support services, said the newspaper staff was in effect hired by the college to put out the special issue, which was supposed to get students to vote in favor of a proposed tax increase to fund the school. "Essentially, we hired the newspaper staff to put out an information piece for us. We're sorry they misunderstood."

Harvey said he and President William Stokes were surprised to find that the eight-page special edition on the tax contained "at least fifty numerical and grammatical errors"

and a column criticizing the plan. "Dr. Stokes wasn't happy with that column," Harvey said. "He liked the articles on the first seven pages, as long as the numbers and grammar were corrected."

Cubas and Anne Harrington, the paper's faculty adviser, argued that the mistakes were minimal and that the campus public relations coordinator had proofread all stories and approved them. "I think they are using the accuracy issue as an excuse to reprint it without the column," Harrington said. "We made it clear from the beginning that opposing viewpoints would have to be included. If they wanted us to do an issue that was supposed to be a PR piece, then it shouldn't have been an issue of the paper." Harrington added that the four or five tuition stipends given student editors were routine and not connected to promoting the tax, and that the cost of printing the special tax issue came out of *The Catalyst's* budget.

"It doesn't matter," responded Harvey. "The money is college money, and Dr. Stokes makes the decisions on how it's spent." Reported in: *Miami Herald*, July 25.

books

Sacramento, California

In a protest organized by Santa Monica legislator Tom Hayden, sixteen Democratic members of the California Assembly asked three of the country's largest retail chains to reconsider their decisions not to sell basketball player Magic Johnson's book on AIDS prevention.

In a letter mailed in August, the lawmakers said: "Magic Johnson is a global hero and a role model to millions of young people who are vulnerable to the threat of AIDS. It is a matter of life and death that his message be heard." The legislators also called upon the companies "to reconsider your restrictive policies which can only reduce access to this vital message to many who seriously need it."

The letter was addressed to top executives of K-Mart Corporation, Wal-Mart and the Walgreen Company in an effort to clarify the reasons the stores have refused to sell Johnson's book, *What You Can Do to Avoid AIDS*. Johnson, a member of the gold-medal-winning U.S. Olympic basketball team and a former Los Angeles Laker, has tested positive for the HIV virus that causes AIDS. Profits from the book's sales are to go to his foundation to fight the disease.

Hayden said the chains' refusal to stock the book, which has been endorsed by the American Medical Association, was ironic because they "eagerly sell today's sexually titillating novels whose suggestive cover art and steamy text conflict with Magic's message of abstinence."

Michael Polzin of Walgreen said the company decided in May not to carry the book because "we found some of the material to be inappropriate for a neighborhood drugstore" and because it did not meet the firm's "clean magazine policy."

Mary McGeachy of K-Mart said the chain was not selling the book in its stores but was making it available through its Waldenbooks subsidiary. "We're not a bookstore," she said. "The book is very informative, but it's also very graphic. It should be available to teenagers, but not to 3-year-olds while their mothers are buying lawn mowers."

Wal-Mart officials have said the chain pulled the book after determining that it is "not in keeping with what our customers tell us they want to read." Reported in: *Los Angeles Times*, August 13.

television

Sioux Falls, South Dakota

A Public Broadcasting System miniseries on the true story of a marriage between a homosexual man and a lesbian in 1920s England was kept off the air in South Dakota. South Dakota Public Television officials said the decision had nothing to do with homosexuality. They said the presentation contained profane language and nudity that "violate community standards."

PBS offered its stations two versions of the three-part series, "Portrait of a Marriage," which already was trimmed half an hour from its British original. But program director Al Kirts said that both versions were unacceptable.

"This story could have been told without the nudity," Kirts said. "It was a love story, but you can tell a love story without having the camera in the bed. I objected to it being aired on Sunday, the Sabbath, at 9 p.m., when 12-year-olds might be watching, because it's summer. I'm sure there are people who wanted to see the show. When you try to please all of the people all of the time, there are going to be some decisions some people won't like." Reported in: *Sioux Falls Argus-Leader*, August 6; *Brookings Daily Register*, August 7.

newspaper

Dallas, Texas

The union representing 2,500 North Texas employees of GTE Corp., at a July 31 rally in Dallas, accused the *Dallas Morning News* of unfair censorship of advertising. The Communications Workers of America said the newspaper refused to run a half-page advertisement critical of GTE, which was embroiled in contract negotiations with the union.

"It's a real slap in the face to the unions and the bargaining process that the newspaper decided not to run the advertisement," said union representative Gaye Williams Mack. "We are quite upset with the *Dallas Morning News* for doing what we consider to be censorship."

Harold Stanley, an executive of the newspaper, said the paper decided not to run the advertisement "based on the

advice of our legal counsel." Both the *Houston Chronicle* and the *Fort Worth Star-Telegram* ran the ad. Reported in: *Fort Worth Star-Telegram*, August 1.

comic strip

New York, New York

Popeye likes to say "I yam what I yam," but when Olive Oyl tried to assert her independence in a veiled reference to abortion rights, the artist who draws the comic strip got fired. Bobby London, who draws the daily "Popeye" for King Features, said the company told him in July that he was being fired for submitting a sequence in which Olive asserted her right to choose.

The syndicate sent a letter July 20 to the fewer than two dozen newspapers that carry the once-popular strip, withdrawing the offending sequence and calling it "inappropriate for the family-oriented 'Popeye.'"

Olive is not pregnant in the cartoon. Rather, she receives a baby Bluto doll unsolicited in the mail and she and Popeye discuss returning it using phrases such as "send this baby back to its maker." Two priests overhear them and, believing the subject is abortion, try to rally people against Olive Oyl. "She tells them she can do what she wants to do, because it's her life," London said. Reported in: *San Jose Mercury-News*, July 22.

art

Homer, Alaska

Because a pastor's wife complained that paintings in the post office at Homer were satanic, U.S. Postal Service officials banned artists from displaying their work in any post office in Alaska. The decision had some artists complaining of censorship. Kenny Porter, the Homer artist who created the allegedly Satanic work, said he just wanted people to see his paintings. A mentally disabled man, Porter paints surreal landscapes with pyramids hanging in the sky.

For years, the Homer post office has displayed the work of local artists on a rotating basis. But when in July it was Porter's turn, postmaster Charlie Arnett quickly heard about it.

"A pastor's wife said the pictures were satanic," Arnett explained. "She said, 'I have to come here every day, and I'm not going to look at them every day. You're going to remove them or my group is going to go to Senator Stevens.'" Arnett took down the pictures and decided to ban art from the Homer post office entirely. Then, to avoid the appearance that the Postal Service was picking on Homer, Alaska Postmaster Robert J. Opinsky sent a memo to all the state's 187 post offices ordering postal workers to remove art, except that purchased by the Postal Service through "normal

procurement procedures" or art created by grade school children. Reported in: *Fairbanks Daily News-Miner*, July 29.

foreign

Cairo, Egypt

The assassination June 8 of a prominent writer whose work often satirized Islamic fundamentalists led the Egyptian government to offer bodyguards to prominent liberal and secular writers, many of whom had been known as critics of the regime. Among those given bodyguards was the "Egyptian Salman Rushdie," Alaa Hamid, a tax official-turned-writer, who had been prosecuted by the state for blasphemy in his novel *A Distance in a Man's Mind*. Also accepting protection was the prominent feminist writer Nawal el-Saadawi.

The assassinated writer was Dr. Farag Faroud, who often focused his satiric attacks on Islamic militants' obsession with sex, such as their demand for the destruction of an observation tower in Cairo because it looks like a phallus.

To Egyptian intellectuals, the hail of bullets which killed Faroud outside his office was a warning that any opponent of radical Islam could be a target. Despite the government's offer of protection, many intellectuals accused the government of exposing them to fundamentalist threats by pandering to Islamic sentiment and accusing writers of being anti-Islamic.

Former President Anwar Sadat is widely blamed for encouraging the growth of Islamic extremism in the 1970s as an attempt to counterbalance his left-wing opponents. But he was killed by fundamentalists in 1981.

"There is a prevailing mood of despair," said Hussein Amin, former Egyptian ambassador to Algeria, of the mood among the country's educated classes. "I believe it is inevitable that fundamentalists will come to power within a short space of time. The fundamentalists know how to speak to the people while we sit in our studies, reading and thinking in isolation from the masses." Reported in: *London Telegraph*, August 2.

Johannesburg, South Africa

South African censors July 24 banned the top-selling Guns 'n' Roses album *Use Your Illusion*, saying the lyrics were objectionable. The directorate of publications said it objected to the lyrics of fifteen songs, but gave no specifics.

Stefanus du Toit, deputy director of the censor board, said the decision was made by a committee of "people from the community" who reviewed the recording after a complaint.

South Africa's censors, who once banned the classic children's book *Black Beauty* because its title was politically charged, have relaxed significantly in recent years. But the government also banned Michael Jackson's "In the Closet" video from television because of its "very sensual nature." Reported in: *Boston Herald*, July 25. □

from the bench



film

Aberdeen, Mississippi

A federal judge in Aberdeen ruled September 8 against the Rev. Donald Wildmon and his efforts to halt U.S. theatrical and television release of *Damned in the U.S.A.*, a British documentary on recent American censorship battles. U.S. District Court Judge Glenn Davidson rejected Wildmon's claim that the filmmakers violated his contract with them. Davidson noted that the contract between Wildmon and the filmmakers did not give Wildmon "control over the distribution of the entire film" and that "any objective person who views the film would believe that Wildmon is projected fairly and intelligently."

Producers Paul Yule and Jonathan Stack are now free to proceed with plans to have *Damned in the U.S.A.* released theatrically, with subsequent television airings, possibly in 1993. Yule said that he was delighted with Davidson's decision, adding that "it's been a very long struggle to get the film shown in America, and it just goes to show that Wildmon's type of intimidation doesn't work. I hope that maybe the tide has turned."

"We're quite surprised with the ruling," responded Benjamin Bull, the attorney representing Wildmon and his American Family Association. Bull said he intended to "immediately" appeal the decision. Yule and Stack's attorney, Martin Garbus, expressed confidence that Wildmon's appeal would fail.

The film explores the censorship battles surrounding federal money for such artists supported by the National Endowment for the Arts as the late Robert Mapplethorpe and Andres Serrano. Both Wildmon — arguing on camera that there should be no public funding for art which includes explicit sexual imagery — and the artworks themselves are shown.

Wildmon agreed to be filmed after Yule and Stack signed a December 4, 1990, contract restricting use of the filmed interview only as part of the film, and not for "unauthorized" media uses such as sexually oriented publications. Yule and Wildmon corresponded until the spring of 1991, when Wildmon viewed *Damned in the U.S.A.* He then notified Yule that, based on his understanding of the contract, he would not grant permission "for the film to be shown in the United States." A September, 1991, screening of *Damned* at the Margaret Mead Film Festival triggered Wildmon's lawsuit for breach of contract.

The filmmakers' countersuit in New York for \$3 million in damages was postponed until the Mississippi hearing concluded. Once Wildmon's claim of contract violation was rejected, however, the New York case was expected to proceed. "A decision on that," said Garbus, "will take some time. The urgent matter is behind us, which is to legally free the film so the public may view it."

But Bull said that he planned to claim that the judge "erroneously accepted [the filmmakers'] false explanations, including the one that they didn't understand the contract they signed with Rev. Wildmon." Reported in: *Los Angeles Times*, September 10.

copyright

New York, New York

Publishers won a major copyright victory on July 23 when U.S. District Court Judge Pierre Leval ruled after trial that the unauthorized photocopying by employees of Texaco, Inc., of single copies of copyrighted articles in scientific and technical journals was not fair use under U.S. copyright law.

The decision in *American Geophysical Union et. al. v. Texaco* came more than seven years after the suit was brought, the delay due in part to intervening Texaco bankruptcy proceedings.

Judge Leval's strongly worded decision rejected Texaco's defense, ruling that the making of single copies of articles (including "notes" and letters to the editor) from scientific, technical and medical journals registered with the Copyright Clearance Center is not fair use. The judge's decision rested on a number of factors: the copying was done in furtherance of Texaco's commercial interests; the copying was not "transformative" (i.e., did not involve the creation of a new work or contribute anything new or different); the copying involved entire works (Judge Leval rejected Texaco's claim that the "work" involved was the periodical issue, rather than the individual article); and the copying resulted in injury to the publishers, depriving them of subscription fees and royalties. The judge also dismissed the argument that the copying by Texaco researchers was a "personal use" and similarly rejected the pertinence of the "internal" nature of the copying.

"The copyright law celebrates the profit motive," Judge Leval wrote, "recognizing that the incentive to profit from the exploitation of copyrights will redound to the public benefit by resulting in the proliferation of knowledge." Reported in: *AAP Monthly Report*, July/August 1992.

commercial speech

Atlanta, Georgia

In a case that raised First Amendment issues, a federal appeals court upheld a ruling that *Soldier of Fortune* magazine was liable in the contract murder of an Atlanta man whose killers were hired through a "sinister" and suggestive classified advertisement in the magazine. The 2-1 ruling by a panel of the U.S. Court of Appeals for the Eleventh Circuit, published August 17, upheld a \$4.3 million damage award to the sons of the victim, Richard Braun.

"We're disappointed and think this decision is a hazard to the print media generally," said Alex McColl, a representative of the magazine.

The case raised the question of whether commercial speech enjoyed the nearly absolute First Amendment protections accorded noncommercial and political speech. It also highlighted what liability, if any, publishers have for harmful events that are linked to items in their classified columns.

The appeals panel found that publishers were liable "for compensatory damages for negligently publishing a commercial advertisement where the ad on its face, and without the need for investigation, makes it apparent that there is a substantial danger of harm to the public." The judges, R. Lanier Anderson, 3d, and Joel F. Dubina, went on to say that requiring publishers to examine advertisements against such a standard did not amount to a significant burden that would "chill" protected commercial free speech or hurt a publication's advertising revenues and thereby threaten its existence and noncommercial free speech. Judge Jesse E. Eschbach dissented.

The case may end up at the U.S. Supreme Court because the decision conflicted with one last year by the Fifth Circuit. That case, in Texas, also involved an advertisement in *Soldier of Fortune* that resulted in a contract killing, but the appeals court there found that the language of the advertisement was too ambiguous to lead to the immediate conclusion that the person was advertising services as a contract killer.

Michael I. Meyerson, a University of Baltimore Law School professor who is an expert on the First Amendment and commercial speech, said the decision did not change the long-established principle that publications are not the main guarantors of the truthfulness of their advertisers.

"This is not the kind of decision that would threaten all classified advertising," Meyerson said, noting that in the last decade more than a half dozen cases of contract murder had

been linked to *Soldier of Fortune*. "This decision says that a publication with this history of criminal activity linked to its advertisements has a duty to the public to try to make sure that such things don't occur. And all they have to do is just look at the language of the advertisement."

The ad in question was submitted in 1985 by Michael Savage of Knoxville, Tennessee. It read: "GUN FOR HIRE: 37-year-old professional mercenary desires jobs. Vietnam veteran. Discrete and very private. Body guard, courier, and other special skills. All jobs considered."

The court said: "When the list of legitimate jobs — i.e., body guard and courier — is followed by 'other special skills' and 'all jobs considered,' the implication is clear that the advertiser would consider illegal jobs. The publisher could recognize the offer of criminal activity as readily as its readers obviously did." Reported in: *New York Times*, August 19.

art

Chicago, Illinois

Three city aldermen who forcibly removed a mocking painting of the late Mayor Harold Washington from the School of the Art Institute of Chicago in 1988 violated the student artist's civil rights, a federal judge ruled August 10. In a brief written decision, U.S. District Court Judge George Lindberg also dismissed the City of Chicago from the lawsuit, but held that former Police Superintendent LeRoy Martin must go to trial for ordering that the painting be taken into custody.

The painting, depicting Washington in women's lingerie, created an immediate furor after it was displayed in a prominent spot in the school as part of a private student exhibition just months after the sudden death of the city's first black mayor. The three aldermen, Allan Streeter, Dorothy Tillman, and Bobby Rush, removed the painting from display and continued to hold it for almost two hours during a meeting in the office of the school's president. In the process, the painting was damaged.

In agreeing with a magistrate judge's earlier recommendation, Lindberg held that the aldermen's actions violated three constitutional rights of artist David K. Nelson, Jr.: his First Amendment right to freedom of expression; his Fourth Amendment right to protection from unreasonable seizures; and his Fourteenth Amendment right against being deprived of property without a hearing.

"This is a very important decision for freedom of expression in Chicago," said Harvey Grossman, legal director of the ACLU of Illinois, which represented Nelson. "The outrageous conduct of the three aldermen has been officially condemned by a federal judge."

A trial will be held to determine the extent of the damages. Nelson is seeking \$100,000 from each of the aldermen. Reported in: *Chicago Tribune*, August 11. □

is it legal?



cable television

Washington, D.C.

The House of Representatives ignored an explicit veto threat from President Bush September 17 and approved — by a veto-proof majority — a joint House and Senate bill regulating the cable television industry's rates and service. The measure, giving government authorities renewed powers to set prices for a limited level of cable TV programming and equipment, went to the Senate, which also approved the bill September 22, but not by a veto-proof margin.

The House voted 280-128 in favor of the measure, a margin that cheered both sides. Although the outcome was eight votes above the veto-proof level, which encouraged the bill's proponents, it was a less robust endorsement than the House's 340-73 approval of a somewhat different version of the bill in July. Thus, the National Cable Television Association said the vote indicated Congressional momentum was building against a veto override.

The legislation was designed to strengthen the cable industry's competitors, such as local broadcast stations, direct-broadcast satellite operators and "wireless" microwave TV transmitters. In his first public statement on the cable issue, President Bush said in a letter to Congress that he would veto the legislation if it came before him. "The heavy-handed provisions of the bill will drive up cable industry costs, resulting in higher consumer rates, not rate reductions as promised by the supporters of the bill," the letter said.

The bill's mostly Democratic supporters argued just the opposite. They disputed a cable industry advertising campaign that asserted, as Bush did, that new regulation would make cable service more costly.

The legislation called for the federal government to step in and reregulate the industry from rates to program packaging. Under the measure, the government would set "reasonable" rates for what it would define as "basic" programming, control prices for installation and equipment, require efficient customer service and force cable operators to equip all subscribers for channel selections that now are sold as packages of channels. Reported in: *Washington Post*, September 18, 19.

Salem, New Hampshire

The right to say what you please from the electronic soap-box known as "public access" cable television has been put to a test in Salem, where an anticensorship group wants all townspeople to be able to tune into a one-hour color documentary called *Natural Summer*. Virtually everyone in it appears nude.

The controversy began when a local group opposed to pornography used the public access channel to broadcast a film called *Real Men Don't Use Porn*, and the naturists demanded the same access to make their point that "nude is not lewd." "The point is, these are all good, normal families with family values," said Arthur Ketchen, vice president of a local group called Citizens Against Censorship.

The brouhaha was emblematic of the tough First Amendment questions that towns face with the growing business of cable television. "Public access is the only voice, the only place that gives people the opportunity to use television in this way, and for a community to grapple with First Amendment issues," said Rika Welsh, Northeast regional chair of the National Federation of Local Cable Programmers. "Very little attention is given to the real struggle behind the premise of public access, which is to reserve some small window of access for people and their voices in our system of telecommunications."

Congress provided in the Cable Communications Policy Act of 1984 that cable companies, when negotiating franchise agreements with cities and towns, must provide the opportunity for a "public access" channel. The financial support for operating those channels depends on the individual franchise agreements. It is estimated that 2,000 public access channels operate nationwide.

Public access means that there can be no restriction on the content of programs except for what the Supreme Court has very narrowly defined as obscene. Public access channels retain the authority to decide when a program is shown; they can require that tapes have a disclaimer about content; and all tapes must be submitted by a local resident, although the tapes can be produced out of town, as with both *Natural Summer* and *Real Men Don't Use Porn*.

Recognizing there would be some demand for public access regulation, Congress said cable companies must provide customers who want them with "lock boxes" that cut

off access to certain channels. But not everyone runs out to get a lock box, and communities like Salem have had to come to terms with their commitment to tolerance. Reported in: *Boston Globe*, September 2.

broadcasting

Washington, D.C.

Federal regulators took sweeping steps July 16 toward changing the ways Americans use their televisions and telephones. In a flurry of votes, the Federal Communications Commission (FCC):

- Opened the door for television programming delivered by telephone line.
- Moved closer to giving broadcast TV stations two channels — one for regular transmissions, one for high-definition broadcasts.
- Proposed ways to allocate space on the airwaves for pocket telephones and hand-held wireless computers.

The decision to let telephone companies provide television signals could eventually mean that customers could choose programs from a directory, watching them when they wanted. The FCC even suggested that, one day, people could exchange home videotapes over the telephone. Ideally, dozens of video options could be dialed up over the telephone, from college courses and movie libraries to home shopping networks and public access programming.

FCC chair Alfred Sikes said such a service, known as "video dialtone," would provide significant competition to cable television companies, which operate as monopolies in most communities. Sikes said the new concept would negate the need for legislation to reregulate cable television, such as that subsequently passed by Congress in September (see above).

But Consumer Federation of America representative Gene Kimmelman, whose organization wants cable reregulated, said that "to claim this does anything to take care of consumers' problems with cable is deceiving the public."

Bell Atlantic, one of the seven regional telephone companies, said that, while the FCC action provided the company with another incentive to develop new technologies, it also wants the freedom to create programming. The FCC said telephone video services would be allowed only to provide transmission lines for programming and could not create programs or deny access to its lines.

"We believe that, when permitted, we will set new standards for quality, reliability and choice for a public that is ready for alternatives to cable TV," said Bell Atlantic vice chair Bob Levettown.

James Mooney, president of the National Cable Television Association, characterized the FCC action as "kind of a half-step toward encouraging phone companies to build a lot of hugely expensive TV plants, with telephone customers financing the investment."

In other action, the commission opened for public comment its plan to allocate space in the radio spectrum for new pocket telephones and wireless, hand-held computers. The action lets manufacturers comment on whether the government has set aside enough space.

The FCC also presented for public comment its guidelines for allocating space for high-definition television broadcasts. The commission has decided that the best way to phase in such high-quality digital transmissions is to give stations two channels to simulcast programming. High-definition broadcasts cannot be viewed on standard televisions. Reported in: *Boston Globe*, July 17.

Washington, D.C.

The Federal Communications Commission ruled August 21 that anti-abortion political advertisements featuring a dead fetus are not "indecent" and are not subject to restrictions that would prevent them from being broadcast between 6 a.m. and 10 p.m. The ruling was likely to clear the way for other graphic anti-abortion television advertisements.

It also represented a departure from the agency's increasingly tough stance against radio and television broadcasts that it deems "indecent." In the past several years, the commission has threatened numerous radio stations with fines stemming from the racy banter of disk jockeys. The FCC has defined "indecent" programming as any show that has language or material that depicts "sexual or excretory activities or organs" in terms that are "patently offensive as measured by contemporary community standards."

The new ruling stemmed from a petition by Gellett Communications of Atlanta, which owns television station WAGA. Gellett wanted to restrict the broadcasting of commercials placed by Daniel Becker, a Republican candidate for Congress. The commercials showed pictures of dead fetuses covered with what the station called "menstrual gore."

Lawyers for the station argued that the commission should issue a ruling broadly covering advertisements that featured dead, bloody or aborted fetuses, and that the commercials should be restricted to times when there was little risk that children were in the audience.

The FCC declined to issue a broad ruling and declared that all indecency cases must be examined case by case. The commission also said that restricting commercials like the Becker one would violate a political candidate's legal right to "reasonable access" to a television station. "As a general matter, broadcasters may not direct candidates to unwanted time of the day or evening," wrote Royo J. Stewart, chief of the commission's mass media bureau.

Conceding that the images might be disturbing to children, the commission said that it would not object to letting stations broadcast a pre-advertisement warning to parents that "viewer discretion is advised." Reported in: *New York Times*, August 26.

begging

Cambridge, Massachusetts

Contending that a state law prohibiting begging is unconstitutional, the Massachusetts Civil Liberties Union (MCLU) has sued the City of Cambridge, its police department and the Middlesex District Attorney for upholding the statute. The suit is a test case, said MCLU staff attorney Sarah Wunsch, though similar vagrancy statutes have been overturned elsewhere.

The MCLU decided to challenge the state law when Craig Benefit, a homeless man, asked the group for assistance. Benefit had been arrested twice in the Harvard Square area for begging. "I think he thought this was an issue of liberties and somehow he knew to come to us," said Wunsch.

"Our position is that asking for help is speech, protected by the First Amendment," said Wunsch. "It can't be censored by the city." The begging statute is unconstitutional for two reasons, she added. It is a "content-based restriction on speech" and it is unequal treatment "based on who you are."

The MCLU said it will have won the case if the court either strikes down the statute altogether or decides that Cambridge's application of it to Benefit is unconstitutional. Reported in: *Harvard Crimson*, July 21.

universities

Ames, Iowa

An Iowa State University professor has sued the university over its textbook selection policy, alleging it violated his First Amendment rights as well as academic freedom. John Strong, professor of human development and family studies, filed suit August 10 in U.S. District Court against the university, its board of regents, and several named university officials.

The controversy began after a textbook selection committee decided in May that Strong's *Unlocking the Communication Puzzle* was not suitable for use as the primary text for an upper-level course called Communication in Human and Family Development, which Strong has taught since 1975. The committee concluded that Strong's book lacked peer review and requested the book contain a list of sources and references to current literature in the field.

Strong charged that the university had interfered with his academic freedom. In the lawsuit, he declared that he "is now faced with preparing to teach this course without the freedom to select the bound teaching materials he has used successfully on several occasions and which are clearly relevant to the course subject matter." Strong said he does not receive profits or royalties from sale of the book.

"University policy requires a departmental review if an ISU faculty member wishes to use his or her own textbook in a course," explained Reid Crawford, a university vice

president. "A faculty committee reviewed the textbook and recommended against its use as the primary textbook in the course because it did not meet departmental guidelines." Reported in: *Ames Daily Tribune*, August 19.

bookstores

Washington, D.C.

The manager and two assistant managers of a Waldenbooks store said they were fired September 3 by the retail chain for refusing to sell a calendar date book with jokes they said were racist, sexist and homophobic. Curt Andino, manager of Waldenbooks in the Georgetown Park Mall, said he complained to his supervisors about Blanche Knott's *The Truly Tasteless Joke Date Book 1993* in August after opening it and seeing jokes he found offensive.

They turned down his request for permission to stop selling the small date book. After rejecting Andino's next proposal — to keep the date book behind the counter — Waldenbooks district manager Carla Miller fired Andino and assistant managers Gina Pala and Doug Stinson.

"We have a philosophy that it's in everyone's best interest to make ideas of all kinds available to people with all kinds of interests, regardless of our own tastes," said company representative Susan Arnold. "This calendar has sold for years and years in the millions of copies."

"I have a very racially mixed, diverse clientele that I worked very hard to attract," Andino retorted. "This book would basically unravel everything I have been working towards." Stinson added that the date book's "portrayal of other human beings is not a portrayal that I can be privy to. I understand that can be censorship, but [the book] is something that is in direct violation of my own personal morals and integrity."

"This represents an interesting clash of rights," commented Harvard University law professor Laurence Tribe. "There are rights of the author to express views, however hateful they might be, and rights of the employee to boycott those views and rights of the bookstore chain to make the bookstore available to all authors regardless of views. There are also the rights of the readers and of those who might be offended by those views. It's a pile-on of rights," Tribe concluded, "but none of them directly implicates the First Amendment." Reported in: *Washington Post*, September 4.

recordings

Lake Forest, Illinois

The Chicago suburb of Lake Forest appears poised for a First Amendment battle over "obscenity" in record albums after the City Council in September voted to bar merchants from selling "obscene" recordings to anyone under the age of 18. Violators face up to one year in prison if convicted.

“That’s going to get somebody’s attention,” Mayor Charles Clarke said. “If they sell an obscene tape to somebody under age, we will prosecute.”

Lake County State’s Attorney Michael Waller said he would enforce the law. “We’ll approach it not with a raid, but trying to work out compliance,” he said. “Lyrics urging sexual assault on women shouldn’t be in CDs sold to minors. It’s going to be hard to affect national distribution from Lake County, but we’re going to plunge into it.”

But Lake Forest Police Chief Richard Boone said he was somewhat doubtful the law could be effectively enforced. He said it would be an extremely difficult task for his officers to carry out the law when even the courts cannot agree on a definition of obscenity.

“The ordinance talks about shameful or morbid interest in nudity or [lack of] redeeming social importance,” Boone said. “What does that mean? This was written for lawyers.” Reported in: *Chicago Tribune*, September 10.

political expression

Arlington Heights, Illinois

Angered by the arrests of five political activists who chalked abortion rights slogans on an Arlington Heights sidewalk, protesters called July 18 for village officials to rewrite an ordinance that bans such slogans as vandalism. About 25 people demonstrated in front of the village hall in opposition to the ordinance and the arrests.

“We’re trying to show the law is unreasonable,” said Deborah Carlson, one of those arrested. “It doesn’t discriminate between people damaging buildings with paint and people writing political statements with chalk.” Reported in: *Daily Herald*, July 19.

Sussex County, New Jersey

A Sussex County group that wants to distribute fliers to protest the use of state parks for prisons contended the state’s request to review the handbills beforehand was unconstitutional. Representatives of Citizens Opposed to Prisons in Parks (COPP) said the directive from the state Division of Parks and Forestry amounted to illegal “prior restraint” of free speech.

“We want to put literature up in the parks, [and distribute] our newsletter and membership applications,” said COPP leader Dennis Negele. But in a July 31 letter to Negele, the parks division said the group could not distribute its material without first submitting it “for review by the division.”

“This is a clear restriction of our constitutional rights,” Negele contended. Reported in: *Newark Star-Ledger*, August 13.

Santa Fe, New Mexico

The U.S. Forest Service backed down in July from its previously stated intention to censor protest signs displayed at a rally at the Santa Fe Ski Area. U.S. Department of Agriculture attorney Mary Ann Joca said any attempt to restrict the protesters’ views would violate the First Amendment.

“I was aghast when I read about it,” Joca said. “Doing something like that would have clearly violated the First Amendment.” Joca told officials at the Santa Fe National Forest Espanola Ranger District that they had to let the protesters express their views on the proposed expansion of the ski area without restrictions. She also told them they would have to reverse their decision to require the organizers of the protest to get a permit and prove they have insurance.

Forest Service regulations governing protests have been found unconstitutional by federal courts. “We’re working on developing new [regulations], but right now the Forest Service does not have regulations that do not violate the First Amendment,” Joca said. Reported in: *Santa Fe New Mexican*, July 17.

school

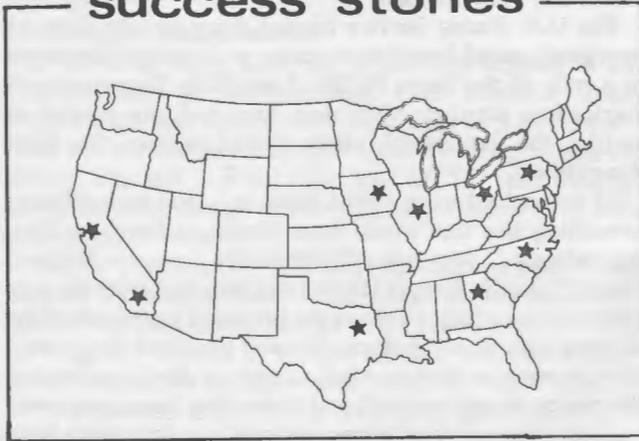
Emeryville, California

The mother of an Emery High School student filed a lawsuit in July against the school district because she claimed her daughter was expelled for lambasting the school and some of its teachers at a PTA meeting. The suit alleges that the First Amendment and other civil rights of Candace Henry were violated when school officials revoked her interdistrict permit without a hearing.

The permit allowed Henry, who lives in neighboring Berkeley, to attend school in Emeryville. Without it, she would attend Berkeley High School.

“She was thrown out of school for speaking out at a PTA meeting. They expelled her without due process,” said Henry’s attorney. School officials contend, however, that Henry was ousted because of poor behavior. “The district would not invade her right to free speech,” said Emery High Vice Principal Philip Shepard. “Another young lady spoke out at that meeting and she was not asked to leave.” Reported in: *Oakland Tribune*, July 24. □

success stories



libraries

Fairbanks, Alaska

The Fairbanks Borough Library Commission voted 4-3 August 12 to retain the graphic adult novel *Billy Budd, KGB* at the borough library. The decision came after testimony from area residents who nearly packed the library auditorium. The majority supported a ban of the book.

Billy Budd, KGB came under fire in May when a member of the library foundation, which raises funds for the library, asked that it be pulled. Candace Waugaman complained — on the basis of a five-page excerpt — that the 124-page work, comprised of illustrated sequential frames, was too sexually explicit and violent. A committee of eight librarians voted unanimously in May to keep the book, saying it met the library's selection criteria (see *Newsletter*, September 1992, p. 161). Waugaman then appealed to the seven-member commission.

Only a minority of those testifying before the commission supported retaining the book. "Do we just cater to those citizens who yell the loudest about sensitive issues?" asked Desiree Wright. "My tax dollars pay for books on subjects I don't believe in either."

Supporters of the book accused its detractors of mounting a campaign. They said that many of the 338 letters submitted to the commission asking for the book's removal were photocopied forms. Mark Tumeo, a board member of the state's ACLU chapter, said his group would pursue all avenues to fight any ban of the book. "I urge the people here asking to ban the book to spend more time home with their children rather than here trying to limit my rights," he said. Reported in: *Fairbanks News-Miner*, August 13.

Concord, California

Librarians removed some books from a gay history exhibit July 8 but put them back after gay activists protested. "There apparently was a miscommunication," said Contra Costa County Librarian Anne Marie Gold. "We apologize for that."

Gay rights activist J. Phillip Harrison compared the library's action to "what happened to Jews and homosexuals in Nazi Germany." But Lin Look, a Concord branch librarian, offered a milder interpretation. She said the library removed from the exhibit books it did not have in its own collection so people "won't see them and ask for [what] we don't have."

The Gay-Lesbian Public Awareness Committee sponsored the gay history month exhibit, providing forty books on gays and lesbians. The exhibit opened July 7. By the next day, librarians had removed 22 titles. First notifying reporters, activists went to the library to demand their return.

After Look explained the policy, Harrison told her, "You should be ashamed. A library, of all places, should not be banning books." Gold arrived and said the library would put the books back in the exhibit if the gay group would put up a sign explaining that it would lend copies of the books to people who couldn't find them in the library. Reported in: *Antioch Daily Ledger Post Dispatch*, July 9.

La Mesa, California

A mother's attempt to ban a book about witches from libraries in the La Mesa-Spring Valley School District was rebuffed by the school board August 18, after an hour of impassioned testimony from parents and teachers. The vote to keep the book was passed by a narrow 3-2 margin.

Dissenting board members Cheryl Jones and Donald Smith agreed with parent and school board candidate Tami Scott that *The Witches*, by Roald Dahl, is inappropriate for children. But board President Hawley Ridenour, backed by two other board members, angrily denounced Scott and her supporters following the debate, calling them part of "an orchestrated programmed attack on how we do business in this district. *Witches* was not discovered in La Mesa-Spring Valley. The rabid right found it a long time ago, and they put it on their list," he said.

"I think we need to send a message real quick that they should take their pony show on down the road," Ridenour announced, to thunderous applause from the audience. "We're not going to burn any books in La Mesa-Spring Valley!"

The debate revolved around Dahl's story of a little boy who, with his grandmother, defeats a group of nasty witches bent on turning children into mice. Opponents of the book argued that it includes horrifying depictions of witches as ordinary-looking women, against whom there is no defense. A few speakers added that it promotes the religion of Wicca, or witchcraft.

"If Jewish and Christian holidays and stories cannot be taught, then neither should witchcraft," said speaker Joanene Falk. "Never is it said that this is a make-believe story, and the authority figure — the grandmother — swears that it is a real fact that there are witches."

The book is offensive, Scott declared, because it teaches children that witches can't be distinguished from ordinary people; that they never get caught; that they spend all of their time plotting to get rid of children; and that children are foul and filthy. "It strips children of everything I'm trying to teach my kids," she said.

Others, however, told the board that any censorship would be an infringement on freedom. They argued that the book was merely a harmless, humorous fantasy. "Witches have been a theme in oral history and literature from the time Western civilization began," said parent Barbara Warner. "When I asked my kids what this story is about, they said it's about a smart, brave boy who recognizes an evil, combats and defeats it for the sake of children everywhere. What my children are afraid of is there is someone out there . . . who is going to limit their access to great literature."

"I'm shocked at the way this book has been quoted out of context," added parent Ken Blalock. "The one aspect of truth in these complaints is it does discuss witches and sorcery. So, should we censor this book because of this? I don't think so."

Earlier this year, the nearby Escondido Union School District agreed to restrict *The Witches* after an organized effort by a conservative Christian group. Scott denied, however, that she was involved in any orchestrated drive to ban the book, claiming that her concern was prompted by a teacher's reading of it to her son's second-grade class. Scott said she did not know the people involved in the Escondido effort and learned of it only after she talked on a Christian radio station about her struggle with the La Mesa district.

"The thing that made me so angry was I had specifically told the teacher I didn't want this kind of subject matter addressed to my child, and she did it anyway," Scott said. School officials said district policy is to permit parents to ask that their children be sent to the library or given alternative activities when the class is doing something that the family finds objectionable.

Two school district committees reviewed the book and found it acceptable. Scott appealed each decision, and at one point offered to compromise if the book were simply restricted to older children — as it was in Escondido — instead of removed from school libraries altogether. Reported in: *San Diego Union-Tribune*, August 20; *Spring Valley Bulletin*, August 20; *Daily Californian*, July 8.

Columbia County, Georgia

The Columbia County Board of Education refused August 25 to remove from school libraries two books that

some parents said promoted witchcraft and condoned swearing. Parent Susan O'Neal sought to have *Teller of Tales*, a biography of the fairy tale writer Hans Christian Andersen, removed from the shelves at Blue Ridge Elementary School because it contains the phrase "go to hell." In an unrelated incident, Deborah Peters, whose grandchild attends North Columbia Elementary School, asked the board to remove *Elbert's Bad Word*, by Audrey Wood, because she said it promoted witchcraft.

In *Elbert's Bad Word*, Elbert hears a bad word, repeats it, and is punished by having his mouth washed with soap. The word appears only as an ugly cloud over his head. Elbert then visits a friendly gardener, who also is a "practicing wizard." With his help, Elbert gets rid of the bad word and learns nice words.

Peters complained that the wizard is un-Christian and presents "to innocent children in an amusing and attractive way the practices of an evil like witchcraft."

"I have to address the reality of witchcraft," Peters told the board. "I believe this book could definitely influence a child toward satanism." The school board concluded, however, that there was no evidence in the book that it promoted witchcraft.

In the Andersen book case, O'Neal complained about both the book's language and a scene in which the young Anderson was working in a mill where workers decided his voice was so high that they wanted him to take off his clothes to see if he was a girl. "I didn't expect my daughter to be confronted with material like this in a school library," O'Neal said.

After school and system-wide committees, and the school superintendent, refused to remove the book, O'Neal gathered thirty signatures on a petition that she presented to the board. The board refused to reverse the previous rulings, however. Reported in: *Marietta Daily Journal*, August 21, 26; *Augusta Herald*, August 20.

Goldsboro, North Carolina

By a 7-2 margin, the board of trustees of the Wayne County Public Library voted August 21 to retain the controversial book *Daddy's Roommate*, by Michael Willhoite, in the children's non-fiction section and not reshelve it or restrict access to it. Opponents of the book, who called for restricted access, were outraged, and several declared that they would work to remove board members at the next election.

"Obviously the board is not responsive to the feelings of the community," complained Dr. Joseph Ponzi, an area pediatrician who opposed the book's accessibility. "It's up to the community to rise up and say they're tired of bureaucracy and want some input in the selection process," added Dr. Joseph Grant, who first brought the issue to public attention.

Previously a book selection committee recommended placing the picture book — geared to 4-6 year olds and depicting a boy's relationship with his gay father — in the

non-fiction section. The board concurred with that recommendation, rejecting a proposal to restrict access to the book and another proposal to move it to the adult section.

"If this is moved to the adult section, how many other books with subjects someone identifies as dealing with sensational issues will have to be moved to another section?" asked board member Shirley Jones.

The board also declined to vote on a proposal by Dr. Grant that it form a committee of parents to review children's books and make recommendations to the board. Reported in: *Goldsboro News-Argus*, August 23.

Amherst, Ohio

The Amherst Public Library Board of Trustees voted unanimously July 20 to return the film *The Last Temptation of Christ* to its shelves. The video had been removed eleven days earlier after Sandra West, wife of Rev. Lindy West, strongly objected to it. Her cause won the vocal support of former Mayor Toney De Paola (see *Newsletter*, September 1992, p. 138).

Library Director Judith Dworkin and a three-member committee appointed by the board had recommended that the library retain the videotape. Dworkin said she would rather sacrifice a proposed levy for library funds than yield to censorship pressures. De Paola and others had vowed to defeat a 1 mill library levy on the August 4 ballot if the film was not removed. The library levy passed anyway by a comfortable majority.

"Our tax dollars should not be spent on pornographic material," Rev. West told the board. "This is not freedom of speech, but an abuse of speech. We are trying to protect the rights of individuals by saying go purchase it somewhere else and not in our library, which lends it out for free." Opponents objected to the film's depiction of Christ.

But others urged the board to reject the banning effort. "The whole point of the library, I believe, is freedom of choice," said James McKee. "You see books all over. Some may be offensive to some people. It is your choice not to read it, not to watch it."

When one opponent of the film told the board that the community would be in deep trouble if the film remained in the library, Donald Redman retorted, "We'll be in a great deal more trouble if we allow ourselves to be coerced from our freedom of choice by a small group of people." Reported in: *Amherst News-Times*, July 22; *Cleveland Plain Dealer*, July 21; *Morning Journal*, July 21, August 5; *Chronicle Telegram*, July 9, 21, August 5.

Mechanicsburg, Pennsylvania

The Mechanicsburg Area School Board agreed August 11 with a previous district committee decision (see *Newsletter*, September 1992, p. 162) to keep in school libraries a book challenged by some parents as Satanic. Before the 6-2 vote, board members heard about sixty parents and residents offer emotional pleas on both sides of the debate over *Bridge*

to *Tarabithia*, by Katherine Paterson.

"If only books that no one found objectionable were left on library shelves, I fear they would soon be bare," said Judy K. Souleret, a mother who said the effort to remove the book violated her First Amendment rights. "School is supposed to be freedom of thought, exposure to new ideas and new beliefs. That's at the heart of the school system," she said.

A group of five parents sought to remove the book — assigned in some elementary reading classes — because it contains mild profanity, references to death and dying, Satanism, and witchcraft. The book deals with the relationship between two elementary school students, and how one deals with the death of his friend.

"This is not censorship. No one here is advocating book banning. What I'm simply asking is that you use good judgment," said the Rev. Charles Teague, who brought the book to the attention of the parents. He charged that placement of the book in the school library amounts to an endorsement of its contents. He objected to the book's use of "vulgar words like 'damn,' 'hell'" and unspecified "cuss words" that are "inappropriate for elementary aged children." He also questioned "derogatory references by one child toward another," a teacher being "disparaged as a monster," and a reference to church services as "boring."

"It is sad commentary when schools are attacking parents with good old-fashioned values and beliefs in the nuclear family," added Dr. Doug Kearney, a member of Teague's congregation and one of the protesting parents. Reported in: *Harrisburg News*, August 12; *Carlisle Sentinel*, August 7.

Grand Prairie, Texas

After review by a committee of citizens and library staff, the controversial children's book *Daddy's Roommate*, by Michael Willhoite, about a gay father, was approved to remain on the shelves in the parental section of Grand Prairie Memorial Library. But before the book could be returned, the library had to place a second order. The copy of the book purchased in 1991 had been mutilated, with pages torn from it and discovered by librarians in a waste basket.

"The book is geared toward explaining to a 6- or 7-year-old boy why dad has suddenly moved out. That's got to be a tough subject any time, a traumatizing event to a child. There are divorces all the time. Some of the cases have been caused by the circumstances in this book," said Saul Friedman, chair of the library board. "While it isn't something that I would choose, that's what the library is there for."

At least three people asked that *Daddy's Roommate* be removed from the library on moral and religious grounds. Two complaints were received in February. The staff reviewed the book and responded in April that it met the library's selection criteria. In May, another request was made, which was appealed to the library board.

"The review committee decided that the book should stay. The library board convened at our regularly scheduled

meeting. We didn't so much review the book as we accepted the review committee's decision," Friedman said. "The library's function is to be a place for public dissemination of information. The review committee said it fell within the gamut of the library's function for appropriate reading material." Reported in: *Grand Prairie News*, August 27.

schools

Boone, Iowa

Students and teachers rose to the defense of S.E. Hinton's young adult novel *The Outsiders* at a hearing July 21. The Boone School District's reconsideration committee met after parents Calvin and Maggie Stone filed a complaint against the book and a videocassette of a movie based on the novel. The committee unanimously recommended that Superintendent Donald Hansen take no action on the book or the movie.

The Stones charged that *The Outsiders*, used in seventh grade English classes, glamorizes smoking and drinking. She said younger teenagers are impressionable and the book and movie suggest that cigarettes and alcohol are acceptable activities for young people. Violence and the use of obscenities are also excessive in the book, she said.

"Our society is becoming more and more violent, and if there's anything we can do to curb or lessen that, we should do it," she said.

But Boone High School faculty and students saw the issue differently. Teacher Jeff Wells said *The Outsiders* is an excellent novel and that drugs, alcohol and tobacco are shown to be destructive influences in its pages. "I admire the Stones as parents with valid concerns about their children," Wells said. "But I don't believe one parent's values should be inflicted on the community." Reported in: *Boone News-Republican*, July 22.

university

Urbana, Illinois

Two paintings deemed offensive by some will remain part of a campus art display, a University of Illinois administrator said August 6. Vice Chancellor Donald Wendel said he had reviewed complaints about the paintings and a committee report on the matter, but decided the works could remain at the Levis Faculty Center.

The artist, Cathy Smith, said the two paintings had been taken down on several occasions from the wall where they were being displayed. Smith and two other local artists had threatened to remove all their paintings from the exhibit if the two disputed works were removed. The two paintings — entitled "2 Close" and "Sight Specific" — have abstract sexual and feminist themes, the artist said. Reported in: *Champaign-Urbana News-Gazette*, August 7. □

a puzzle solved

Why did D.H. Lawrence title *Sons and Lovers* in the plural when in fact the novel concentrates on the character of one son, Paul Morel? That minor puzzle was resolved in September when Cambridge University Press issued the first unexpurgated edition of the classic, restoring a hitherto missing 10 percent of Lawrence's manuscript.

Lawrence began the book as a tribute to his mother as she lay dying of cancer, an effort to compensate her for a life of suffering. The restored version expands the role of William Morel as a forerunner of his brother; the darting exchanges between the parents now become blazing rows; and the sexual passages trimmed by publisher's reader Edward Garnett, still, nearly 80 years later, possess a searing intensity.

Garnett's motives for cutting were not entirely due to prudery: *Sons and Lovers* was too long for the fiction market of 1913. The printed manuscript would have made about 500 pages — 100 more than usual — and the publisher, Duckworth, could not afford it. Furthermore, Lawrence was in Italy and, though penniless, planned to marry Frieda Weekley. The manuscript previously had been rejected; there was no time to consult the author. Garnett, though exerting a certain amount of censorship — changing "hips" to "body," and "thighs" to "limbs" — pruned the initial sections in order to achieve a tidier structure. Not always did he succeed. Generations of readers have been confused by references to earlier scenes missing from the story.

The 25-year-old Lawrence exploded when he heard the novel had been censored at the proof stage. Still, he unhappily accepted the inevitable. "I don't mind if Duckworth crosses out a hundred shady pages in *Sons and Lovers*. It's got to sell, I've got to live," he said. Lawrence received only Duckworth's 100-pound advance. Reported in: *Boston Globe*, July 19. □

a classic rediscovered

Seventy-two years after censors banned pioneer director Oscar Micheaux's *Within Our Gates*, the sometimes violent, sometimes caustic look at black life has been shown without cuts in the city where it was made. Micheaux, a native of rural southern Illinois, moved to New York after his run-in with the Chicago Board of Censors in 1920.

The movie he wrote, produced and directed was filmed in Chicago, in 1919, the year of the city's worst race riots. The all-white censor board banned the black director's movie in 1920 because it considered certain scenes too inflammatory. Two such scenes depicted a lynching of a sharecropper family and a black Baptist pastor as a secret foe of racial progress.

The Blacklight Film Festival on August 7 presented an uncut version of *Within Our Gates* that was discovered in 1990 in Spain. Reported in: *San Jose Mercury-News*, August 11. □

intellectual freedom bibliography

Compiled by Anne Penway, Assistant Director, Office
for Intellectual Freedom

- Appleman, Phillip. "Controversy, Censorship and Poetry." *Poets and Writers Magazine*, September/October 1992, p. 26.
- Begley, Sharon. "Is Science Censored?" *Newsweek*, Vol. 120, No. 11, September 14, 1992, p. 63.
- Betancourt, Ingrid. "The Babel Myth: The English Only Movement and Its Implications for Libraries." *Wilson Library Bulletin*, February 1992, p. 38.
- Broderick, Dorothy. "Race and the Future." *VOYA*, Vol. 15, No. 3, August 1992, p. 154.
- Charns, Alexander. *Cloak and Gavel: FBI Wiretaps, Bugs, Informers and the Supreme Court*. Champaign: University of Illinois, 1992.
- Columbia Journalism Review*. September/October 1992.
- de Grazia, Edward. *Girls Lean Back Everywhere: The Law of Obscenity and the Assault on Genius*. New York: Random House, 1992.
- Delfattore, Joan. *What Johnny Shouldn't Read: Textbook Censorship in America*. New Haven: Yale University Press, 1992.
- Doerr, Edd. "The Suppression of NSSM 200." *The Humanist*. September/October 1992, p. 24.
- Extra!* Vol. 5, No. 6, September 1992.
- Fish, James. "Responding to Cultural Diversity: A Library in Transition." *Wilson Library Bulletin*, February 1992, p. 34.
- Fleming, Thomas. "Literature and the Curriculum." *Chronicles*. Vol. 16, No. 9, September, 1992, p. 12.
- Gillmor, Donald M. *Power, Publicity and the Abuse of Libel Law*. New York: Oxford University Press, 1992.
- Grantmakers in the Arts*. Vol. 3, No. 2, Summer 1992 (Special issue on freedom of expression and public funding of the arts.)
- Grigs, William Norman. "Vilifying Columbus: Multiculturalists Are Urging A Symbolic Assault on Western Tradition." *The New American*, Vol. 8, No. 20, October 5, 1992, p. 23.
- Hentoff, Nat. "The Right To Be A Bigot." *The Village Voice*, Vol. 37, No. 31, August 14, 1992, p. 20.
- _____. "Freedom of Speech Under President Clinton." *The Village Voice*, Vol. 37, No. 36, September 8, 1992, p. 24.
- Huber, Richard M. *How Professors Play the Cat Guarding the Cream: Why We're Paying More and Getting Less in Higher Education*. George Mason University Press, 1992.
- Index on Censorship*, Vol. 21, No. 7, July/August 1992.
- Index on Censorship*, Vol. 21, No. 8, September 1992.
- Kopff, E. Christian. "Ignorance and Freedom." *Chronicles*, Vol. 16, No. 9, September 1992, p. 20.
- Krug, Judith F. "The Curse of Interesting Times: Censorship Pressures on Libraries." *Indiana Media Journal*, Vol. 14, No. 4, Summer 1992, p. 3.
- Kruse, Ginny Moore. "No Single Season: Multicultural Literature for All Children." *Wilson Library Bulletin*, February 1992, p. 30.
- Mendez, Albert J. "The Great Satan of Humanism." *The Humanist*, Vol. 52, No. 5, September/October 1992, p. 18.
- The News Media and the Law*, Summer 1992, Reporters Committee for Freedom of the Press.
- Oshima, Nagisa. *Cinema, Censorship, and the State: The Writings of Nagisa Oshima, 1956-1978*. MIT Press, 1992.
- Peck, Nancy C. and Donald D. Foos. "Planning for Compliance with the Americans with Disabilities Act." *Public Libraries*, Vol. 31, No. 4, July/August 1992, p. 205.
- Quezada, Shelly. "Mainstreaming Library Services to Multicultural Populations: The Evolving Tapestry." *Wilson Library Bulletin*, February, 1992, p. 28.
- Robins, Natalie. *Alien Ink: The FBI's War on Freedom of Expression*. New York: Morrow, 1992.
- "Sensitivity: The Only Requirement." *Chronicles*, Vol. 16, No. 9, September 1992, p. 23.
- Smolla, Rodney A. *Free Speech in an Open Society*. New York: Knopf, 1992.
- Student Press Law Center Report*, Vol. 13, No. 3, Fall 1992.
- Sutton, Roger. "What Mean We, White Man?" *VOYA*, Vol. 15, No. 3, August 1992, p. 155.
- Teaching and Technology: The Impact of Unlimited Information Access on Classroom Teaching*. Ann Arbor: Pierian Press, 1992.
- Ulm, Gregory R. "Censorship in Higher Education." *Indiana Media Journal*, Vol. 14, No. 4, Summer 1992, p. 11.
- Walker, Barbara J. "Finding Those Elusive Christian Fiction Titles." *Public Libraries*, Vol. 31, No. 4, July/August 1992, p. 221.
- Van Dwyne, Margaret King and Debra Jacobs. "Embracing Diversity: One With One's Bold New Partnerships." *Wilson Library Bulletin*, February 1992, p. 42.
- Visions of the First Amendment for a New Millennium: Americans Speak Out on the Future of Free Expression*. Washington, D.C.: The Annenberg Washington Program: Communications Policy Studies, Northwestern University, 1992.
- Wasserman, David. "In Defense of a Conference on Genetics and Crime: Assessing the Social Impact of a Public Debate." *The Chronicle of Higher Education*, Vol. 39, No. 5, September 23, 1992, p. A44.
- "We Are the Censors (pt. 1)." *Video Librarian*, Vol. 7, No. 4, June 1992.
- "We Are the Censors (pt. 2)." *Video Librarian*, Vol. 7, No. 5, July/August 1992.
- Weissberg, Robert. "Note from the Abyss: The Queens and Panderbears of Academe." *Chronicles*, Vol. 16, No. 9, September 1992, p. 16. □

NEWSLETTER ON INTELLECTUAL FREEDOM
50 East Huron Street • Chicago, Illinois 60611