

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



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## Sex in the library

The much-ballyhooed October 21 publication of *Sex*, a mylar-wrapped, spiral-bound book of photographs of the exhibitionist pop star Madonna in revealing and erotic poses, presented a unique challenge for librarians across the country. Although 835,000 copies of the book hit bookstores, its lofty \$49.95 price tag and fragile binding discouraged many libraries from acquiring it. More than a few also found its racy contents a bit too much to take. And in quite a few cities there was controversy — and censorship.

In several cities, political leaders exerted pressure on libraries not to acquire or to restrict circulation of the book. In Mesa, Arizona, the mayor ordered the library not to shelve the book. In Austin, Texas, authorities told the library that to make the book available to minors in any way was illegal.

Advance reviews of the book were nonexistent, since no prepublication copies were released. Librarians thus were compelled to decide whether or not to purchase the book on the basis of the publicity surrounding it and/or patron requests. In many places, such requests were legion — as with many highly publicized best sellers — but in the case of *Sex*, more often than not requests for the book were accompanied by an equal volume of requests not to acquire — or to remove or restrict — it.

The dilemma facing many librarians was this: if they refused to buy the book, it would appear to be censorship, since there was surely patron demand; if they bought a lot of copies for circulation, however, these might be stolen or damaged. Many libraries chose to buy just one or two copies to keep on reserve, but this often sparked as much opposition and criticism as if the library had purchased dozens of copies to satisfy demand.

The following is an account of some of the most publicized confrontations over Madonna's book.

The controversy was especially heated in Houston and Austin, Texas. In Houston, a group called Citizens Against Pornography (CAP) began to mobilize when it became known that the library had ordered four copies of the controversial book for its main branch, using an anonymous donation. Two copies of the book were to be shelved in the Fine Arts section and available for circulation. The other two copies were to be shelved in the reference section for library use only.

Citing a 1978 City Council resolution on community standards, CAP President Geneva  
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## talk of renaissance at NEA

During the Bush administration, the quarterly meetings of the National Council on the Arts were often bedeviled by protests. Activists hurled accusations at the chair of the National Endowment for the Arts; tension enveloped the room as members of the presidentially appointed council viewed art to see if it was moral enough for public funding. But at its November meeting, shortly after the election of Democrat Bill Clinton to the White House, the atmosphere was different — more resigned and contemplative. At the same time, the mood among NEA staffers and arts supporters was optimistic, if not outright jubilant.

“I leave here proud to have served, proud to have been part of the endowment and with no regrets,” said acting NEA chair Anne-Imelda Radice. Since taking over after John E. Frohnmayer was fired by President Bush last February, Radice had been lauded by conservatives and denounced by arts leaders for succumbing to White House pressure and rejecting controversial grants. “I think I was unjustly criticized,” Radice told the council.

But if Radice was unapologetic, NEA staffers spoke of the change in administrations with glee. “The mood is upbeat. People are feeling expectant and hopeful,” one assistant program director said. NEA insiders distributed — but did not

wear — buttons bearing the slogan “Arrivederci Radice,” as some council members also paraded their enthusiasm. “It is all for the better. Things couldn’t have been worse,” said Harvey Lichtenstein, executive producer of the Brooklyn Academy of Music.

Clinton did not take a public stand on the arts during the campaign, although the Democratic Party platform did state the ticket’s opposition to censorship in awarding NEA grants. Arkansas is ranked 49 of 50 states in arts funding, but Cliff Baker, artistic director of the Arkansas Repertory Theater, described Clinton as an avid arts enthusiast. “I really believe we’re going to experience a positive, supportive demeanor coming out of the White House when it comes to the Endowment,” he said.

“The issue of censorship is dead,” concluded council member Robert Garfias. “All it needed was someone in the White House to say the arts are not served by censorship.” But Peter Zeisler, director of the New York-based Theater Communications Group, said attempts by evangelical Christian groups to restrict federal arts funding were not necessarily over. “The radical right is not going to go away. They’ve used the arts issue to raise money, and now that Clinton has been elected, they’ll stir up the fear that ‘the crazies are here.’” Reported in: *Boston Globe*, November 7. □

## NEA chief tops list of art censors for '92

The American Civil Liberties Union (ACLU) announced in September its list of Art Censors of the Year for 1992. Topping the list was Anne-Imelda Radice, Chair of the National Endowment for the Arts, who will leave her position with the change of administrations.

“All of the people and groups that we’ve named and many others like them are trying to impose their ideological, moral and religious standards on a very diverse population,” said Marjorie Heins, director of the ACLU’s Arts Censorship Project.

The following have shown “exceptional disregard for the First Amendment values of freedom of speech and artistic expression,” according to the ACLU:

- Anne-Imelda Radice: The NEA chair testified before “Congress that she would veto any grants for sexually explicit art or other projects with “difficult subject matter.” She kept her word by vetoing grants to two galleries planning exhibitions of nationally recognized artists who use nude images.

- Duval County: The public school district has censored more than sixty books over the years. This year, it purged from its school libraries books by Stephen King and Nikki Giovanni and even the classic fairy tale “Snow White” for

their “graphic violence.”

- Omaha City Council member Steve Exon and members of Omaha for Decency: Exon and this private organization spearheaded a sting operation resulting in the prosecution of four record stores for selling 2 Live Crew albums to teenagers.

- Maryland state Legislature’s Frederick County Delegation: It reversed its plan to seek \$500,000 in state funding for local arts centers after the museum displayed a satiric, anti-gulf war painting.

- Washington state Legislature and Gov. Booth Gardner: They joined to pass a law imposing mandatory labeling with criminal penalties for musical recordings deemed “erotic” by a state court. The law was ruled unconstitutional October 29 by a state Superior Court judge (see page 19).

- Oliver North and Jack Thompson: North, of Iran-Contra fame, and Thompson, the Florida attorney who tried unsuccessfully to prosecute 2 Live Crew for obscenity, led a campaign of harassment against musicians and record companies over Ice-T’s song “Cop Killer,” and other music with messages they dislike.

- Catherine MacKinnon and Andrea Dworkin: These two anti-pornography feminists drafted and advocated legislation that would allow lawsuits to ban sexually oriented entertainment and allow victims of sexual crimes to collect damages from producers and distributors of such entertainment.

• The Rev. Donald Wildmon: No other individual has dedicated more energy to depriving others of their First Amendment rights, according to the ACLU. He has attacked products of every medium — from television's "Charlie's Angels" to the movie *The Last Temptation of Christ*. Most recently, Wildmon lost a year-long battle to prevent distribution of the film *Damned in the U.S.A.*, in which he is interviewed about his pro-censorship activities (see page 18). Reported in: *Wisconsin State Journal*, September 27. □

## 1992 Hefner First Amendment awards

Cartoonist Jules Feiffer, Project Censored founder Carl Jensen, free-lance writer and former penitentiary convict Dannie Martin and *San Francisco Chronicle* editor Peter Sussman, *Alien Ink* author Natalie Robins, and 2 Live Crew defense attorney Bruce Rogow have received 1992 Hugh M. Hefner First Amendment Awards in recognition of their contributions to protect and enhance First Amendment rights. Winners were honored at an awards luncheon ceremony, co-chaired by Playboy Enterprises Chair and CEO Christie Hefner and publisher Stanley K. Sheinbaum, on November 12 in New York City. Each winner received \$5000 and a plaque.

Cartoonist, satirist, humorist and playwright Jules Feiffer received the award in the individual conscience category for his lifelong commitment to First Amendment principles. Feiffer's scathing and insightful cartoons, which appear in nearly 100 newspapers, expose societal ills, attack violations of the First Amendment and wage war on abuses of power. Fiercely anti-censorship, his earliest contracts included the provision that not a single word of his material be changed. Called "the most talented social commentator in cartooning in our generation," Feiffer has spent nearly 40 years donating his time and talent on behalf of the First Amendment.

In the category of education, Carl Jensen was honored for his 16-year crusade to expose censorship in the media and defend the public's right to be informed. As founder of Project Censored, an internationally recognized media research project, Jensen annually assembles a panel of media experts from across the country to seek, identify and publicize stories on important issues that have been overlooked or under-reported by the mainstream news media. The project provides the public with the necessary information to make informed decisions, stimulates responsible journalists and editors to cover important issues and encourages the general public to seek out and demand more information from the media. News stories identified by Project Censored as under-reported have included the savings and loan crisis, the U.S. drug war, President Bush's role in the Iran-contra scandal and, most recently, the refusal by television networks to air

uncensored footage from Iraq at the height of the allied air attack.

Free-lance writer and former Lompoc federal penitentiary convict Dannie Martin and *San Francisco Chronicle* Sunday Punch editor Peter Sussman shared an award in the print journalism category for informing the public about life and conditions inside a federal prison and for challenging attempts by the Federal Bureau of Prisons to infringe on free press rights. Martin has spent 27 of his 53 years in prison. While serving a 33-year sentence for bank robbery, he began sending articles about prison life to Sussman, who published them in the *San Francisco Chronicle*. In 1988, Martin criticized the warden in an essay, "The Gulag Mentality," for which he was placed in solitary confinement. He was transferred out of Lompoc and charged with violating a never-before-enforced regulation that forbids an inmate to "act as a reporter, publish under a byline" or "receive compensation for correspondence with the news media."

Sussman and the *Chronicle* stood by Martin, filing a First Amendment lawsuit against the Federal Bureau of Prisons for restricting Martin's right to free speech and for infringing on a free press. In 1990, they lost the suit in lower court when a federal district judge ruled that the prison's security needs took precedence over the newspaper's and the convict's First Amendment rights. Martin and the *Chronicle* immediately filed an appeal, arguing that the regulations restrict not only prison inmates, but also the conduct of a newspaper. The case recently was declared moot by a federal appellate court due to Martin's 1992 release on parole.

Natalie Robbins, author of *Alien Ink: The FBI's War on Freedom of Expression*, was honored in the book publishing category for exposing the Federal Bureau of Investigation's covert war on writers and the First Amendment in its attempt to control opinion in America. Drawing on nearly 150 files released through the Freedom of Information Act, Robbins' book documents the hounding and intimidation of writers ranging from John Reed to Allen Ginsberg and from Walter Winchell to Robert Lowell — a virtual Who's Who of American letters. In addition to the FBI files, Robbins used testimony from many writers, editors and lawyers; *The New York Times Book Review* called these witnesses "a brilliant stroke, since the passionate continuation of their old political and personal quarrels provides energy enough to lift their words right off the page." Robbins provides crucial understanding of the FBI's paranoia, bureaucratic overkill and its attack on free expression, showing how the Bureau combed newspapers, books, plays, films and radio broadcasts for "alien ink": anything anti-American or "anti-FBI."

Lawyer and Nova University law professor Bruce Rogow was recognized in the law category for successfully challenging Florida's obscenity prosecution of rap music group 2 Live Crew and Charles Freeman, who was arrested for selling the 2 Live Crew album to an undercover police officer. The case marked the first time a federal court examined the application of obscenity law to a musical composition. In June,

1990, a Broward County, Florida, sheriff declared 2 Live Crew's record *As Nasty as They Wanna Be* obscene and warned the group that they would be arrested for performing in Broward County. District Judge Jose Gonzalez ruled that the album violated South Florida's community obscenity standards because it appealed "to dirty thoughts and the loins, not the intellect and the mind." For two years following Gonzalez's ruling, 2 Live Crew faced a war of attrition community by community, as judges under pressure from 'decency leagues' in several states declared the group's lyrics obscene. On May 7, 1992, the U.S. Court of Appeals overturned the earlier ruling, stating that the district judge could not have determined, based on the evidence, that the work has no serious artistic value, a necessary condition in determining obscenity. A staunch defender of individual freedoms for the past 27 years, Rogow has argued scores of civil liberties and First Amendment cases in federal and state appellate courts, often for unpopular causes, to protect minority views from overzealous government and majoritarian censorship.

The award winners were selected by an independent panel of judges, including Dennis Barrie, former director of the Contemporary Arts Center in Cincinnati, who was indicted and later exonerated on obscenity charges for displaying Robert Mapplethorpe's controversial photographs; Norman Dorsen, Stokes Professor of Law at New York University Law School and former president of the American Civil Liberties Union; Mark Goodman, executive director of the Student Press Law Center; documentary filmmaker Barbara Kopple, who directed the Oscar-winning films *Harlan County, U.S.A.* and *American Dream*; and Reginald Stuart, assistant news editor, White House and foreign affairs, for Knight Ridder Newspapers and chairman of the Legal Defense Fund of the Society of Professional Journalists. □

## in review

**Alien Ink: The FBI's War on Freedom of Expression** by Natalie Robins. Morrow, 1992. 495pp. \$27.50.

In 1911 the FBI started files on Ezra Pound and John Reed and thus began the practice of monitoring authors, their works, their acquaintances, their associations, their politics and their lives. Natalie Robins gives us a history of this aspect of the FBI's activities over the last 80 years and an insight into what we can expect in the future. Through the Freedom of Information Act, Robins was able to obtain information on authors from John Steinbeck to William Saroyan, from Gertrude Stein to Mary McCarthy, from Truman Capote to Tennessee Williams, and from e.e. cummings to E.L. Doctorow.

Some files contain many pages and some just a few. Throughout her book, Robins gives excerpts and quotes that show just what kind of information the Bureau thought (and thinks?) important. The Bureau maintains that files were kept

on these individuals because of their political views, associations and acquaintances, and not because they were writers. In reading some of the files, however, it becomes clear that in some cases files may have been started because of the title of an author's work and not the work's content. If it were not so appalling it would be funny the number of times the files contain misspellings of the author's names or give titles that do not exist. This would indicate that in some cases titles or names were put into files strictly on hearsay, without the offending work having been viewed by the agent involved.

Robins provides a decade-by-decade review of the Agency's activities over the last eighty years and predicts what we can expect in the future. Chapter twenty-four, "Spies in the Stacks", covers the FBI's Library Awareness Program (LAP) in some detail. This reminds us that the author alone is not the only concern of the FBI; they are apparently concerned about the reader as well. Throughout the book, Robins includes quotes in smaller, bolder, print from authors, politicians, and Agent X (an FBI agent who must obviously remain anonymous) as additional commentary on her research.

The book gives a good solid history of this aspect of the FBI's work as it involves authors and libraries, and should be required reading in a mandatory course on intellectual freedom in all library schools.

What about the future? Will the FBI continue such activities? Probably, yes. That is, after all, what they are about. But, as this book shows, there are always those who will see that the Bureau does not go too far. Be they authors, librarians, politicians, or just John Does, there will always be those who say "wait a minute, what's going on here? who will watch the watchers"?

J. Edgar Hoover comes in for a lot of criticism in this book. That is only natural since he headed the Bureau for so long, but it should be remembered that the lists started in 1911, long before his tenure began, and probably continue today. William Sessions is quoted as stating that lists of authors are not kept because they are authors but because of their political views and/or activities, but the question must be asked, "If they were not authors, and thus public figures, would their political views and/or activities be well enough known?"

The book contains excellent appendices, lists of the authors involved, additional authors not mentioned in the text, extensive notes and a selected bibliography which alone makes it worth every penny.

This is a book that can be read from cover to cover or can be opened randomly to find something of interest. The index is very good and allows the reader to look for favorite authors and find them easily. Some may be surprised at the names found on the lists while others will not. Authors such as James Agee, James Baldwin, William F. Buckley, Jr., Truman Capote, e.e. cummings, T.S. Eliot, Jack London, Mary McCarthy, Edgar Lee Masters, E.L. Doctorow, Elmer Rice, Carl Sandburg, Robert Frost, E.B. White, James

Thurber, Thornton Wilder, William Saroyan, Tennessee Williams and Herman Wouk may surprise some, but they are only a few of the writers mentioned in the book and on whom files have been kept by the FBI. — *Reviewed by James S. McPhee, Head Instruction Librarian, James R. Dickinson Library, University of Nevada, Las Vegas.* □

## cardinal seeks film guidelines

In an unusual 40-page pastoral letter released September 30, Roger Cardinal Mahony, the Archbishop of Los Angeles, challenged the entertainment industry to adopt general guidelines for the depiction of violence, sex, family life and the treatment of women. Implicitly criticizing the movie industry for an avalanche of films that “pander to baser instincts,” Cardinal Mahony, who heads the largest archdiocese in the U.S., went out of his way to insist that he rejected censorship or a return to the kind of production code that dominated the film industry for decades. Last February, Mahony appeared to have called on the film industry to adopt just such a “decency code” written by Dr. Theodore Baehr of the Christian Film and Television Com-

mission, a fundamentalist group.

Instead, the Cardinal now said the movie industry should voluntarily arrive at a way to assume its social and artistic responsibilities. In doing so, film executives should adhere to “general criteria” on such subjects as sex and violence, he said. “The golden rule applies here; responsible film makers will not do to their audience what they would not want done to themselves — or to their own teenage sons or daughters.”

“The criteria I articulate here,” the Cardinal said, “and the values that underlie them, are the exclusive property of no one religious community, ethnic grouping, educational level, economic class or political party. Certainly the Catholic Church has no monopoly on them.”

“What the Cardinal said is wise, reasonable and thoughtful,” commented Jack Valenti, president of the Motion Picture Association of America. “He’s not calling for a censorship board. What he wants to do is lift the level of quality in motion pictures. Who can argue with that?”

Other executives said privately, however, that while the Cardinal’s points might be instructive, they could not be expected to have a major impact. Reported in: *New York Times*, October 1; *Los Angeles Daily News*, October 1. □

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## — censorship dateline



### libraries

#### Gwinnett County, Georgia

A controversial children's book about a gay father and a trilogy of erotic novels by best-selling author Anne Rice were removed from the shelves of the Lake Lanier Regional Library system last Fall, following complaints that centered around sexuality. On October 27, the library's county-appointed board unanimously voted to remove three books Rice wrote under the pen name A.E. Roquelaire: *The Claiming of Sleeping Beauty*, *Beauty's Punishment*, and *Beauty's Release*. The highly erotic novels contain explicit sex and deal with sadomasochism. On November 9, the same board agreed to take the system's only copy of *Daddy's Roommate*, by Michael Willhoite, off the shelves and place it behind a circulation desk at the Peachtree Corners branch, allowing it to be checked out and read only by request.

The library's official review process was followed in both instances after initial complaints were filed. "We had a patron complaint," said library director Jo Ann Pinder of the *Beauty* series. "It was reviewed by a three-person staff panel that recommended removal. The series was purchased by mistake without reviews and, frankly, we thought it was like other Anne Rice books. I agreed with the recommendation. We're not a library that has an erotica collection." Pinder acknowledged that the patron complainant was also an employee of the library. *Beauty's Punishment* had been requested by a patron, after which the library bought the entire trilogy for its ten branches.

"There was not much to consider," commented library board President Kay Dickinson. "It was just not something we want at a public library. It was a request we honored and then made a mistake. The staff felt it did not meet the criteria for selection and that it slipped by."

In the case of *Daddy's Roommate*, the complaints were increasingly orchestrated. "We did have a large citizen's group at the meeting. They were very well organized," said Dickinson. Pinder added that the five or six complaints to remove the book were supplemented by a 150-name petition, which itself was followed up by another 200-name petition.

"The staff recommended keeping *Daddy's Roommate* in the collection. I agreed and told the patron that. The patron then requested a board review," Pinder said, and the final decision was made there to place the book behind a circulation desk.

According to Dickinson, "The majority felt it should be read as or by an adult, or it might be damaging to a three-to-seven year old who might get the wrong idea. It might be confusing for them. A lot of parents don't know anything a child checks out. Homosexuality is something we have to deal with in our lifetime, and we don't want to be censors, but maybe a little restriction..." Reported in: *Creative Loafing*, November 28.

#### Warrensburg, Illinois

A series of seven books in a Warrensburg-Latham school library are "possibly harmful to a child's psychological development," a Christian-based group charged November 19. The Light House Project made the allegation after conducting an investigation when it received complaints from parents about the books by children's author Stuart A. Kallen. The project is devoted to educating the public about alleged satanism.

At least 25 parents filed formal complaints with the school district, according to Superintendent Michael Alexander. The books are: *Vampires*; *Werewolves and Zombies*; *World of the Bizarre*; *Monsters*; *Dinosaurs and Beasts*; *Witches, Magic and Spells*; *Ghosts of the Seven Seas*; *Phantoms of the Rich and Famous*; and *Haunted Hangouts*. Reported in: *Decatur Herald & Record*, November 20.

#### Tama, Iowa

The librarian at South Tama County High School removed all of Stephen King's books from the school library's shelves in November, declaring they are too violent and contain language too obscene for students. Kathy Tomlinson said the fifteen books and short stories would be reviewed by her, a secretary and school staff volunteers.

"I'm on my first book and I'm reading one chapter a night. So far it's not so bad," said Tomlinson, who acted with the approval of the school administration. Among the books Tomlinson said would be examined were *Tommyknockers*, *Misery*, *It*, *Thinner*, and *Cujo*. She said her action was not prompted by a parental complaint.

"I talked to a number of people who have read Stephen King that made me question the material. We wondered whether it was appropriate for the lower age groups. A lot of freshmen were checking out the books," she said. Reported in: *Des Moines Register*, November 14.

### Olathe, Kansas

Former legislative candidate Al Heger charged in September that a file of pamphlets available at the Olathe Public Library promotes homosexuality, and he demanded its removal. Heger, who emphasized his opposition to public gay awareness programs in a recent state Senate bid, said some literature at the library "promotes sodomy."

"I would think there would be an outcry if the Jehovah's Witnesses tried to put their newsletter in there," he said. "To me it was a clear promotion at taxpayer expense." The file to which Heger objected contains some material that was unsolicited. Much of it consists of pamphlets and newsletters, including publications of gay support groups.

Library officials said they advocate no single view on the issue and cannot reject material based on viewpoint. "If a book gets a decent review or there's demand for it, we'll probably have it," said library director Kent Oliver. "Our job here isn't to make lifestyle decisions. Our job is to provide information to all segments of the community. We do not sit in judgment here of anybody's values. We are not going to just carry heterosexual material because the majority has that viewpoint."

"People keep talking about lifestyles and sexual preference," Heger responded. "But the bottom line is we're talking about sodomy," which he claimed had been declared illegal by the Supreme Court. Reported in: *Olathe Daily News*, September 19.

### Rockland, Massachusetts

*Revolt Rhymes* was banned in Rockland elementary schools after a parent complained that the book of fractured fairy tales was offensive and inappropriate for children. School Superintendent Ronald P. Gerhart announced October 22 that the book, by the late Roald Dahl, would not be used in the K-4 curriculum and would not be available in elementary school libraries. At the middle school level, Grades 5-7, the book will not be part of the curriculum, but may be kept in the library. The book may be used in high school classes and may remain in the high school library.

"My chief concern was primarily the predominance of violence," Gerhart said. "Enough people had concerns about it, that convinced me we had a problem." Gerhart said grade-level appropriateness, and not literary merit, was his main criterion.

*Revolt Rhymes* is a book of "updated" fairy tales, in which several traditional stories, including "Cinderella" and "Jack and the Beanstalk," are portrayed in sharp, satirical fashion and peppered with spicy language.

School officials had removed the book from the Grade 6 curriculum three weeks before, after Rogers Middle School parent Lynne Curtis filed a written complaint charging that it promotes violence, encourages disrespect toward women, parents and teachers, and contains inappropriate language. "My main concern was the violence," she said, "but it was also just in general the way [the characters] spoke to each

other. It was telling the kids it's OK to talk like that."

Curtis was not satisfied with the decision and said she would appeal to the school board. "I don't think it belongs in the school at all," she said, "but my main concern was that it doesn't belong in the high school curriculum." Reported in: *Arlington-Rockland Mariner*, October 22, 29; *Brockton Enterprise*, October 23.

### Brooklyn Center, Minnesota

An atheist seeking to "turn the tables on the religious right" asked in July that the Brooklyn Center Independent School District remove the *Bible* from schools. "The lewd, indecent and violent contents of that book are hardly suitable for young students," wrote Gene Kasmar. "The *Bible* quickly reveals its unsuitability in a school and learning environment. [Its] passages have no historical, scientific, literary artistic or political value."

Citing twenty pages of examples, Kasmar said that apart from religion, he was offended by frequent Biblical references to concubines, explicit sex, child abuse, incest, scatology, wine, nakedness and mistreatment of women.

In a column printed in the *Minneapolis Star-Tribune*, members of Minnesota Atheists, with which Kasmar is affiliated, defended the complaint: "Neither Kasmar nor Minnesota Atheists endorses censorship. We support the constitutional guarantees of free speech and reject any action that stifles education and communication. Censorship has been the greatest obstacle to peace and progress in all of human history because it presents half-truths, distorted truths and lies as the whole truth. . . ."

"We commend Kasmar for turning the tables on the religious right, which has long been engaged in a relentless campaign to censor materials it dislikes. By using the religious right's own criteria for what is unsuitable for impressionable children to read — lewd language, explicit sex, incest, satanism, drunkenness, violence, and witchcraft — Kasmar shows the *Bible* to be censorable. What goes around comes around.

"We realize that religious faith is important to many people, and we fully support their right to believe as they choose. . . . We have no interest in trying to force religious people to abandon their way of thinking. However, we object strenuously when they try to force their views on the entire population through censorship, legislation and social coercion. . . ."

"Because of censorship, or just the fear of dealing with its advocates, many biology teachers don't teach the scientific facts of evolution. Many English teachers don't assign important literary works. Many history teachers limit their perspectives to those of the dominant class, usually wealthy white men. Even knowledge of the *Bible* is hindered by the informal censorship imposed by religious leaders who would rather their followers didn't know what's in it — the innumerable contradictions, historical errors, plagiarism, absurdities, meaningless prophecies, myths presented as



historical fact, and countless instances of divinely ordered or approved atrocities. . . .

"Atheists' attempts to tell the truth about the *Bible* are almost always ignored — censored might be the more appropriate term. It appears that the only way we can get this book seen for what it is is for someone like Kasmar to force the issue by turning the censorship tables on those who would censor others. We sincerely hope Kasmar's approach to censorship will result in much less of it." Reported in: *Minneapolis Star-Tribune*, September 23, October 17.

#### **Ilion, New York**

A woman filed a request in October with the Ilion Central School District requesting the removal of *Meet the Werewolf*, by Georgess McHargue, from the library at Barringer Road Elementary School. Faith Weston said the book's passages on the occult were objectionable.

The book became an issue after Weston's son brought it home and became apprehensive about some of the things he was reading. "It scared him," she said. "I don't think the school should present the Devil to him. The church should because it does it in a manner that is not frightening. What kind of boy would not challenge that book? This is black magic. I want my son to worship God. I want him to respect people. He was afraid to go to school because of this book. It's not fantasy, it's true."

Superintendent Joseph Fusco said a review committee would deal with the complaint, but he noted, "Some people think football is a violent sport. Does that mean we should remove every book about football? You've got to be very careful on how you deal with censorship." Reported in: *Herkimer Evening Telegraph*, October 22; *Utica Observer-Dispatch*, October 23.

#### **Elizabethtown, North Carolina**

The nationwide storm of controversy surrounding two children's books about gay and lesbian parents arrived in Bladen County November 16 when members of a local group asked the Bladen County Commission to remove *Daddy's Roommate*, by Michael Willhoite, and *Heather Has Two Mommies*, by Leslea Newman, from the Bladen County Library. The books were not yet on the shelves and librarian Jamie Hansen told the commissioners she had not yet decided how to handle them.

Jane Pait, secretary of the Bladen Coalition of Christians, called the books "wicked and very dangerous" and "seditious." She asked the commissioners to appoint a committee, including a representative from her organization, to draw up guidelines for book selection by the library. Reported in: *Fayetteville Observer-Times*, November 17; *Wilmington Morning Star*, November 17.

#### **Bend, Oregon**

The Bend-LaPine School Board postponed a decision about whether to ban a high school library book October 13 because

it could not reach a consensus. "I've never seen the board so split on anything," said member Jan LaChapelle.

Curriculum Director Brian Lauchlan activated the district's review committee after parent Cathy Thompson asked that *Night Chills*, a horror novel by Dean R. Koontz, be removed from the Mountain View High School library because it contains "explicit" sexual incidents.

Thompson saw the book when her son brought it home for a book report. "The more I got into it, the worse it got," she said. "It was the real graphic and descriptive sexual scenes, and the fact that I felt it demeaned women and used women as sex slaves and for power," she said. "I'm just a concerned parent. I don't belong to any organization that bans books. I looked at it and said, 'This is not appropriate for our high school libraries.'"

The committee recommended that the book be removed and given to the county library. The issue then went to the board. LaChapelle said she would rather students read the book under school supervision and offered a motion to retain it, which was not seconded. But a second motion by board member Ken Cox to accept the committee's recommendation also failed to get a second. Board member Terry Rahmsdorff, a review committee member, then offered a compromise. He said the book could be restricted to juniors and seniors or restricted to those who obtain parental permission. But his motion also died. Reported in: *Bend Bulletin*, October 14, 19.

#### **Roseburg, Oregon**

A book containing "cutting edge" cartoons at the Douglas County library prompted a Roseburg parent to call on the librarians to restrict children's access to such books. Rickey Dort told county library commissioners October 7 that he was shocked when his 10-year-old son brought home *Raw* from the library. "Quite frankly, it's full of cartoon pornography," he said. Dort told commissioners he would like to see the book removed altogether, but if not, it should be shelved where children do not have access to it.

*Raw*, edited by Pulitzer Prize-winner Art Spiegelman and Francoise Mouly, has received critical acclaim. Librarian David Hutchison said the book "has been here for three years. It's circulating very well. There's a lot of people who are reading it. If we started screening our collection on what books used these words, then 25 percent of our collection would be off-limits."

Library Director Betty Hazel said the book is part of the adult collection and is not kept with children's books. "The first thing to remember is that the library is not responsible for what children read. It's the responsibility of the parents." Reported in: *Roseburg News-Review*, October 8.

#### **Tillamook, Oregon**

About 25 people in Tillamook County filed official complaints in October against the controversial children's book

*Daddy's Roommate*, by Michael Willhoite, which tells the story of two homosexual men and the son of one who live together. According to librarian Sara Charlton, the library board will review the books. The complaints were filed during a heated electoral battle over a state-wide ballot initiative that would have declared homosexuality "abnormal, wrong, unnatural and perverse." The initiative was defeated. Reported in: *Tillamook Headlight-Herald*, October 14.

## **schools**

### **Tucson, Arizona**

In a raucous protest, about 300 students left classes September 21 to protest Flowing Wells High School Principal Nic Clement's decision to ban *The Shadow Box*, a Pulitzer Prize-winning play by Michael Christofer, from the school's stage because of profane and abusive language. Scores of students shouted at the administrator as he attempted to conduct a question-and-answer session. Some wore buttons with expletives printed on them and others taped their mouths shut to underscore their disdain.

"The reason the play was canceled was due to the profanity," Clement told students. "There's certain language we won't tolerate and certain values that we're going to uphold having to do with language."

Clement originally approved the play last May, although teacher-drama adviser Carol Marlow had warned him there was profanity in it. Scenes from the play had been successfully staged in classes at Flowing Wells and other local high schools. But when, after rehearsals began, another teacher and some parents complained, Clement rented a video of the drama and watched it at home. He concluded that while it "dealt with a serious subject," the play was not appropriate for a high school presentation that would be open to the community. He replaced the play with *Up the Down Staircase*, a light comedy about a teacher's first job.

Marlow said the play included nothing the community was not already familiar with. "If there had been evidence provided by parents or students to show that this was harmful or that the kids were not ready for the material, I would have done something, but I didn't hear anything," she said. "I don't know how we can be assured that we're not offending someone in some way."

Jennifer Fisk, a student cast member, conceded that the play has disturbing scenes. But she told the principal that a hallmark of compelling theater is that it creates discomfort in its audience. "I think taking this away from us is really insulting to the maturity of the students and the community," said Fisk.

Another student actor, Michael Alvarado, worried about future censorship. "It bothers me that this may set a standard to edit everything. It's sort of like burning books," he said.

After the student protest, the principal pledged to meet with a committee of students to review school rules on selection

of student productions and publications. "We're not on a witch hunt against works of art, but we do have policies," Clement said. "Our standard is such that the language in this play was not appropriate." Reported in: *Tucson Citizen*, September 11; *Arizona Daily Star*, September 22.

### **Los Angeles, California**

An AIDS information video starring basketball star Earvin "Magic" Johnson will not be distributed in Los Angeles schools because it contains graphic descriptions of sexual acts, a school representative said September 16. Johnson, who led the Los Angeles Lakers to five NBA championships, is a hero to many Los Angeles students.

Diana Munatones said the Los Angeles Unified School District's review committee decided not to distribute the video to schools because of its graphic language, but added that it had not been banned. "Teachers may show the video, if they wish, with the permission of the principal and parental consent," she said. Reported in: *Detroit News*, September 17.

### **San Bernardino, California**

Eleven educational films about ethnic issues were rejected October 5 by the San Bernardino County Board of Education. In a 3-2 vote, board members criticized the series, *America: A Cultural Mosaic*, as inaccurate, filled with profanity, and un-American. The move barred the material from the most comprehensive film library available to county teachers.

The series contains films about Japanese-American internment, the Native American Ghost Dance movement, the Holocaust, and popular images of African-Americans and Asian-American women. The film that tipped the vote, however, was *Cuba in the Shadow of Doubt*, which asserts that the standard of living has improved in Cuba since the Castro revolution.

Board member George Sjostrand led the opposition. "This, to me, is very un-American. It's almost sacrilegious. I don't think our kids should be given that kind of propaganda." Added board member Helen Law: "It's just plain inaccurate."

Tom Rabone and David Stine defended the film. "I thought objectivity was better in that film than in many of the others," Rabone said. Stine added: "Given any film or text or book in isolation, I may have an argument with it. But any film would be a supplement to a lesson. We can use almost anything to stimulate discussion and strike a balance."

The film about Cuba was the only one that Law and Sjostrand opposed. They voted in favor of approving all films but that one. Board President Ted Vick joined with Stine and Rabone, however, to defeat that proposal and then sided with Law and Sjostrand to defeat all the films. "The biggest objection I had to several of these," Vick said, "was the use of the language, the four-letter words." Reported in: *San Bernardino Sun*, October 6.

### Wellsville, Kansas

Four Wellsville parents said that a decision for the high school drama class to perform Bram Stoker's *Dracula* was inappropriate because the play promotes Satanism. The parents' protests were heard at the monthly school board meeting October 26. Some parents, however, circulated a petition in support of the play.

Parent Nancy Fossett said *Dracula* promotes Satanism, suicide and sexual perversion. "This is a good little town, and this play should never have been brought up," she said. "I've heard from seminars that Satanism enters communities through the public schools. This is where it starts in Wellsville, Kansas, with *Dracula*."

All references to God and most about blood were excised from the play, according to music teacher David White, the play's sponsor. And one scene involving the decapitation of a bird was not even considered. But Fossett said enough changes had not been made. "If you edit all the disgusting, offensive parts you don't have a play left," she said.

Her views were echoed by the Rev. Curtis Wright of the Assembly of God Church, who urged principal George Stewart to halt the production. But Rev. David Moor of New Hope Baptist Church was more resigned. "I think it was a very bad choice because there's so many other plays out there they could do, but I'm not actively trying to stop it," Moor said. "In fact, a couple of our high school students [from the congregation] are in it." Reported in: *Olathe Daily News*, October 28; *Ottawa Herald*, October 28; *Quincy Patriot Ledger*, November 2.

### Frederick, Maryland

The Frederick County Board of Education reversed a previous decision and voted October 26 to place the teachers' guides to the controversial *Impressions* reading series into a public review process. After a prolonged and heated discussion, the board voted 4-3 to overturn its October 5 vote that excluded the guides. The decision had no bearing on the controversial textbooks themselves, which were previously subject to public review (see *Newsletter*, July 1992, p. 110; September 1992, p. 163) and were approved at the October 5 meeting for use in first to fourth grades.

The series was challenged by a group of seventeen parents. On June 30, the Superintendent of Schools decided to allow the books to be used, but the parents appealed to the Board.

The reversal came after Concerned Women of America, a national conservative organization, sent a letter to board members requesting a reconsideration of the earlier vote. On October 19, the board voted to reject that request, but reversed itself at a special session.

Frederick County Teachers Association President Jack Patterson called the vote an attempt to eclipse teachers' freedom in preparing for classes. "As I look around this room, I see a possible seven to eight people making this decision and we have over 28,000 students in the system," said Patterson. "This board has pacified a small minority in our com-

munity." Reported in: *Frederick News*, October 6, 20, 29; *Frederick Post*, October 1, 6, 27.

### Belgrade, Montana

As many as fifty Belgrade parents appealed a decision by assistant superintendent and curriculum director Jerry Vanderpan to retain the Pumsy in Pursuit of Excellence program. The decision confirmed a recommendation by a parents panel. Renee McLendon said she and other parents would appeal to the school board.

For a half hour every month, Belgrade first and second-graders follow the adventures of Pumsy the dragon and her friend through various situations and feelings. The program is intended to teach children to make sound decisions, manage conflict, understand consequences, and gain self-respect. It was purchased as a drug and alcohol abuse prevention program three years ago.

"Why would parents not want their children to have these skills?" said Pumsy author Jill Anderson of Eugene, Oregon. Because the program attempts to teach these values by promoting "New Age religion, meditation and hypnosis," charged parent Debra Feliciano.

Six of twelve members of a parental panel appointed by Vanderpan objected to all or parts of the Pumsy course. The portions they found wanting were the same ones McLendon and Feliciano protested, including the exercises of "mind painting" and tying up the teacher to demonstrate control. But the counselors who use the program said they do not employ the portions to which objections were made.

"The counselors will continue to teach the program as they have," Vanderpan said. "The counselors were always just in favor of the part they taught, not the whole program."

McLendon charged, however, that "there's something they're hiding." She said she and other parents would be content if they could have a written guarantee that the controversial portions of Pumsy would not be taught. "We want to work with these people," she said, "but we want it in writing." Reported in: *Bozeman Daily Chronicle*, October 20, 22.

### Bass River Township, New Jersey

Parents and an elected official in October protested the inclusion of *Grendel*, by John Gardner, in the curriculum of Pinelands Regional High School's English Department. The book retells the Anglo-Saxon epic "Beowulf," from the dragon's point of view. In it the monster Grendel describes how he murders and eats an old woman, rapes other women and cooks their organs, and performs other savage acts. The books also contains several obscenities.

"As a parent, I feel violated. I would never give this book to a child," said Sheryl Price of New Gretna. "My son was 16-years-old when they gave him this book." Her husband, John, agreed: "This book is obscene. If someone on the street were to give it to my child I would have them arrested."

The mayor of Bass River Township, T. Richard Bethea, joined Price and other parents in requesting the book's removal from the curriculum. "I don't want to ban the book," he said. "If people want to read it, they should be able to get it in the library or buy it. But it shouldn't be given to children at school."

The mayor said he would introduce an ordinance calling for the school board to review and remove the book. "I also intend to contact the mayors of the other three communities which send their children to Pinelands, to inform them about this book," Bethea added. Reported in: *Atlantic City Press*, October 27, November 2.

### Woodbridge, New Jersey

Two Woodbridge mothers began a campaign in October to get a book removed from the fourth-grade reading list, claiming it uses objectionable language and teaches children how to lie, manipulate, steal, and cheat. Woodbridge educators insist that the stories in the book, *Soup*, by Robert Newton Peck, about two young boys growing up in 1920s Vermont, contain positive lessons.

"Actually, each chapter shows why you shouldn't lie, cheat, be deceitful, curse, discriminate, or be disrespectful," reported a review committee that voted unanimously to keep the book on the approved reading list.

One of the protesting mothers, Denise Smith, said, "I'm not asking them to burn the book, just pull it from the mandatory list." Smith and her friend, Mary Shreib, began the drive to remove *Soup* after stumbling upon its offensive language after their daughters showed them the book during summer vacation. The women particularly objected to the use of words like "hell" and "jackass"; to an account of a game involving "torture" scenes in which victims were held "spread eagle"; and to unflattering references to a Jewish man. Soon they were circulating a petition. They rejected the review committee's verdict and vowed to appeal to the school board.

"If I can do something, I will," Shreib said. "I still have a daughter in second grade. I feel I'm protecting my own and others' children. I'm a mother, and I care about our kids." Reported in: *Woodbridge News Tribune*, November 1.

### Copenhagen, New York

Parents concerned that a Nathaniel Hawthorne classic short story might give their children the wrong message about witchcraft asked the Copenhagen Central School to ban the work. "Young Goodman Brown," a short story about the rituals of witchcraft in old Salem, was required reading in eleventh-grade English. About 20 parents attended a board of education meeting October 26 to protest use of the story. District superintendent Thomas J. Kirkwood said "Young Goodman Brown" would remain available to students in both the classroom and library while the review process proceeded. Reported in: *Watertown Daily Times*, November 5.

### Minot, North Dakota

A banner protesting censorship replaced a nude scene in a play being put on by Minot State University students. The Campus Players' performance in early November of Charles Busch's *Vampire Lesbians of Sodom* contained no nudity because of public objections, H. Erik Shaar, university president, declared.

After receiving dozens of phone calls from citizens concerning a nude scene in the play, Shaar decided to drop the scene, in which an actress takes off her shirt with her back to the audience. Shawn Riley, a student and director of the play, said he did not object to the ban, but was concerned that those who spoke against it did not bother to learn about the play. Reported in: *Grand Forks Herald*, October 29.

### Gahanna, Ohio

Gahanna resident Irvin Davis made a plea to the Gahanna-Jefferson Public Schools Board of Education October 8 to ban the reading of the book *Jelly Belly* and two other works by Robert Kimmell Smith in district classrooms. Davis said the book was checked out by his fourth-grade daughter, who discovered in its pages the words "damn" and "sucks." "They can't say it, but they can read it," he noted. Davis also wants *Mostly Michael* and *Chocolate Fever* removed from classroom reading lists. Reported in: *Gahanna News*, October 14.

### Eagle Point, Oregon

The Eagle Point school board in September voted 5-0 to reject a supplemental health book that mentioned yoga and transcendental meditation. Three women had complained that the book cited yoga and TM as ways to reduce stress, but failed to mention Christian prayer.

"My objection was that the school board, under the guise of wellness, was importing a form of eastern religious practices," said Pamela Dickson, one of the three who criticized the book. "If you're going to have an opening for eastern religious practices, you should have space for Christian religious practices too."

The book, *Wellness: Stress Management*, is part of a series of supplemental health readings for high school students that teachers had planned to place in the library. It was never proposed as required reading.

Board Chair Dick McCulloch said the September 10 decision to reject the book was "technically incorrect." He said he "compromised his principles" and voted to reject the text because there were readily available alternatives that did not offend anybody.

"Our mission is to educate children, and making them aware of cultures and belief systems that exist beyond Eagle Point is an important part of our mission," he said. "Simply because those beliefs are not like ours, we can't pretend that they don't exist." Reported in: *Medford Mail Tribune*, September 24.

### Beaver Falls, Pennsylvania

Quoting Mark Twain at Blackhawk High School is punishable by three days suspension.

Jessica McCartney and Heidi Schnack were given the assignment of reading school announcements over the public address system. They were also given a copy of *A Teacher's Treasury of Quotations* and asked to recite a quote. They found the following Twainism: "In the first place, God created idiots. This was for practice. Then he made school boards."

Because there had been local controversy with the school board, the girls thought the quote appropriate and funny, and read it over the public address system. Principal Ed Giannini was not amused. He meted out three days of in-school suspension to each and ordered them to write letters of apology to the board, teachers, and students.

The community became involved when parents of both girls wrote letters to a local newspaper. "I think the principal completely overreacted and had no business suspending them for even five minutes," commented Marion Dimick of the Pittsburgh chapter of the ACLU.

"We just thought it was funny," said McCartney. Reported in: *SPLC Report*, Fall 1992.

### Newville, Pennsylvania

With controversy swirling, a recommendation committee decided November 9 to call on the Big Spring School Board to remove the novel *Coma*, by Robin Cook, from high school English classes, but keep it in the library. The decision came in response to complaints from residents and school board member Robert Roush, Jr. that the book is obscene and portrays the maltreatment of women. A previous motion by Roush to the board to ban the book failed on a 5-4 vote after two-thirds of the high school's students signed a petition opposing the ban.

"*Coma* can no longer be effectively taught since the controversy surrounding the book, and not the book itself, will be the focus for discussion and place inordinate pressure on students, teachers, parents and the school community," Superintendent William Cowden said in announcing the recommendation. "Admittedly not a classic, *Coma* may be sacrificed in an effort to protect other books which may be more easily defended." The book is used in one elective English class.

The recommendation did not quiet the book's opponents, however. Sue Klop said the committee's hearing was "staged to look as if a special interest group has forced this issue and caused this controversy. The community will not be hoodwinked by high-sounding phrases."

English department chair Jon Tarrant, a committee member, said he supported the recommendation because parents, teachers, board members and "worst of all students — the very students we all want to protect — have been subject to libelous statements and anonymous harassment." Tar-

rant noted that some students were reading the Greek classic *Oedipus Rex*, by Sophocles, "a profane work, a blasphemous work, a story of a young man who brutally murders his father, defies his religious teachings, marries and commits incest with, and has children by his mother and ends with an act of the most grotesque self-mutilation. Are these values and behaviors we advocate? Of course not. But where would our culture, our curriculum be without *Oedipus Rex* — a work universally acclaimed to be one of the finest." Reported in: *Carlisle Sentinel*, November 3, 10; *Harrisburg Patriot*, November 10.

### Alamo Heights, Texas

Several "dirty" words may be removed from Alamo Heights School District elementary school books if a petition drive by parents is successful. The words are "hell," "damn," and "frigging."

"A petition was circulated by a group of parents who requested that books that contained vulgar and profane language not be allowed in the elementary school," said curriculum director Mary Ziegler. The group did not define what was vulgar and profane, but objected to specific words in the books *On My Honor*, and *The Great Gilly Hopkins*. "The books have been used by the district over five years and this is the first time that there has been a concern," continued Ziegler.

The petition, signed by 193 people, asked the district not to select materials with vulgarity or profane words. Parent David McAllister said he originally brought the issue to the board in August, but didn't circulate the petition. "All I asked for was for them to add a selection criterion that instructional resource material shall not contain vulgar or profane language." Reported in: *San Antonio Express-News*, November 6.

### Centralia, Washington

Three weeks before the curtain was to rise for Centralia High School's fall play, students learned that the show would not go on. After five weeks of rehearsals for a play about teenage problems, school administrators decided in late October to cancel *Snap Judgments* and try to choose and produce a less controversial work in January.

The play was written in 1991 by eight high school students from Louisville, Kentucky. "There's a lot of irony involved," said Rob Conway, student body president and a cast member. "The play was called *Snap Judgments* and now the play is canceled because of snap judgments by the community."

School principal Larry Brown said the 13-member Principal's Council decided to cancel the extracurricular production after a group of parents began raising objections to it because it mentioned topics such as homosexuality, teen pregnancy, racism and physical abuse. When the first objections were raised, the play's faculty sponsors edited out

provocative language and modified key scenes. For instance, a homosexual relationship that provokes a family crisis was changed to an interracial one.

Nevertheless, at the school's regular monthly parents meeting October 19, about twenty parents still voted to cancel the play, with only one supporting it. "It shouldn't have to be dealt with in a public forum like this," said parent and middle school band leader Bruce Hansen. "There is appropriateness at certain levels, and, to me, this is not the appropriate level to be used."

Faced with such opposition Brown concluded that there was no way "we could push on without there being winners and losers. In terms of being hard-nosed, the play could have been a detriment to what we want to do."

But some parents were still upset. "I'm extremely upset by all this," said parent Susan Hoyne. "This is censorship to me. I'm upset that people feel that issues can't be discussed in high school." Reported in: *Centralia Chronicle*, October 30.

## student press

### Lewiston, Idaho

A decision by Lewiston High School's principal to ban some student government campaign posters prompted a group of students to publish an underground newspaper. Principal James D. Wilund said the posters read "See Dick. See Dick vote. See Dick vote wrong. Don't be a Dick." Two other signs were also removed, said David Eisele, the candidate responsible.

"We don't censor per se," Wilund said. "We do ask that the things that go on the walls be appropriate. That's my judgment."

Shortly thereafter, the underground paper appeared containing several articles that appeared to criticize Wilund's decision and urged students to take action against censorship. The authors used about ten obscenities. If people find printed words offensive, they shouldn't look at them, the paper said. "If everything that offended at least one person was banned, censored or revoked in any way, the constitution would be no longer."

"I don't mind the fact they disagreed with me, I mind the language they used when they disagreed," Wilund said. Distribution of a publication containing vulgarity without notifying the administration and identifying the authors is against school rules, but no disciplinary action was planned, Wilund said. Reported in: *Lewiston Morning Tribune*, October 2.

### Carpentersville, Illinois

Officials at Carpentersville Middle School last spring refused to print a student's story on the arrest of the school superintendent on charges of drunk driving. Principal Russell Ballard said the issue was "a matter of confidentiality," and

could not be aired in *Cougar Crier*, the student newspaper.

"The focus of a school newspaper is to be positive, to build pride in a school," Ballard said. "I would not want to see [the student newspaper] used as a forum that would be critical of students or staff."

"We were told that the story could not run, and we weren't given the opportunity to change anything," said Joy Norrie, mother of the article's author, Crystal Norrie. "She didn't write anything that wasn't true and I saw no reason why they couldn't print it. It's just sad." Reported in: *SPLC Report*, Fall 1992.

### St. Paul, Minnesota

A Sibley High School student publication, the *Petri Dish*, provoked controversy last Fall after the back-to-school issue of the student council newsletter made a flippant reference to its adviser, referring to her as Wild Woman Osmanson. Board member Jim Nikolai objected. When informed that district policy forbids only libel, he proposed a new policy that would require the principal to ensure that all school publications do not contain stories that "would impinge upon the rights of others; are vulgar or profane; are biased or prejudiced; are poorly written; are grammatically incorrect, or are unsuitable for the audience." Reported in: *St. Paul Pioneer Press*, October 13.

### House Springs, Missouri

Assistant editor Demetrius Chapman of *Lion Country*, student newspaper at Northwest High School, thought it would be important to write an article about students who had experienced incest. Before writing the story he sought and received guidance from his adviser, Debra Weaver. But when Principal Richard Boyle read the article he did not want it run.

"Controversial community issues will not be debated in the school paper because the people named have not been proven guilty or even charged. It's just not fair," said Boyle. In his article, Chapman cited an incident where a local priest was charged with molesting an altar boy.

Although the story did not run in the school paper, Chapman submitted it to the *Riverfront Times*, a local alternative newspaper, which ran the article and a companion piece about the censorship incident.

Boyle was an assistant administrator at Hazelwood East High School during the court battle over censorship of that school's newspaper. The Supreme Court decision in the case, *Hazelwood v. Kuhlmeier*, increased the authority of school administrators to censor school newspapers. Reported in: *SPLC Report*, Fall 1992.

### Durham, North Carolina

A controversial advertisement was cut from the *Pirate's Hook* at Riverside High School last spring after the principal received protesting phone calls from parents. The ad offered

counseling for gay, lesbian and bisexual students and was run in several other area student and commercial newspapers.

The newspaper staff voted 10-2 to run the ad, and initially principal William Batchelor agreed. But when parents began calling him after the ad's first appearance, Batchelor requested that its location in the paper be moved. The parents were not satisfied, and after the second printing he ordered the ad dropped. Reported in: *SPLC Report*, Fall 1992.

### Glendale, Wisconsin

An underground student newspaper, *Gathering No Moss*, was banned at Nicolet High School partly because it treated women in a degrading way, District Administrator Elliott Moeser said September 10. "The paper went beyond the point of a freedom of expression that I could accept at a high school," Moeser said. "The level of vulgarities was too high." *Gathering No Moss* was not connected with the district, and the students published it privately.

"I take the issue of censorship rather seriously," Moeser said. "I think in any high school it is one of our purposes to get students to think and express themselves. But this has gone beyond the point of acceptance. I could not accept this as part of the normal intellectual exchange." Reported in: *Milwaukee Journal*, September 17; *Milwaukee Sentinel*, September 17.

## university

### Ann Arbor, Michigan

The closing of an art exhibit on prostitution on October 30 plunged the University of Michigan law school into an angry debate about free speech, feminism, pornography and censorship. The issue was whether students at the school violated the First Amendment by removing from the exhibit a two-hour videotape featuring works about prostitution by five artists, including two former prostitutes. But the fracas was significant because it marked the latest and most virulent incident of conflict between two feminist camps: those who seek to suppress pornography and prostitution, arguing that they incite sexual violence and violate women's civil rights, and those who say the anti-pornography movement is a form of censorship that limits women's sexuality and free speech.

The Michigan law faculty includes Catherine MacKinnon, a leader in the fight against pornography and an advocate of legislation that would allow women to stop the distribution of sexually explicit materials that had "harmed" them. MacKinnon is also a moving force behind a new student publication, the *Michigan Journal of Gender & Law*, which sponsored the art exhibit as part of a conference on prostitution.

Carol Jacobsen, the Detroit artist who put together the art exhibit at the request of the journal staff, is an outspoken critic of MacKinnon's anti-pornography efforts, and supports abolishing laws against prostitution. Her exhibit included

video interviews she did with Detroit prostitutes. When the conference began, she also installed a two-hour video featuring five works, including one by Veronica Vera, a former prostitute. Vera's work included footage from sex films and a brief clip of her testimony against an anti-pornography measure before a U.S. Senate committee.

The next morning that tape was removed by a group of law students from the journal who said they were acting in response to complaints by two of the speakers. "We really didn't think of it as a censorship issue, but as a safety issue, because two of our speakers said that based on their experience at other events, the tape would be a threat to their safety," said Bryan Wells, one of the students. "It wasn't our place to assess that threat. It was our position to trust our speakers. Seven of us from the journal made the decision to remove the tape, and while I regret that it made people unhappy, I don't regret the decision."

When Jacobsen found out what had happened she was furious. "I told them they couldn't just pick out a selected artwork and remove it from the exhibit, but they didn't seem to get it," she said. "They said it wasn't censorship; they were just trying to protect people from getting their feelings upset. I said if they wished to censor any part they would have to censor the whole thing. They came back and said, 'Take it down.'"

Feminists who oppose censorship said the incident illustrated how contrary to the belief that banning expression about sex will end the subordination of women, the first voices to be silenced in such a restrictive climate inevitably would be those of women, themselves.

"Censorship of information and artistic expression about sex does not help women," said Marjorie Heins, director of the ACLU's Arts Censorship Project, which represented Jacobsen in discussions with the university. "In fact, censorship has always hurt women by depriving us of information about sexuality, reproduction and birth control."

In a letter to the *Michigan Daily* after the incident, Jacobsen wrote, "What kind of First Amendment constitutional rights are they teaching at the University of Michigan Law School? MacKinnon's position is analogous to a right-wing fundamentalist who bans a book without reading it. The works in this exhibit gave voice to prostitutes from throughout the U.S. and Europe, and they were suppressed because they did not concur with MacKinnon's political line. It is a dangerous abuse of power to ban freedom of speech in any institution of higher learning, but it is cause for alarm when it occurs in a school of law." Reported in: *New York Times*, November 13; *Washington Times*, November 13.

## art

### Los Angeles, California

Self-Help Graphics, a Latino community art group founded twenty years ago as a forum for artists who couldn't get their work shown elsewhere stands accused of censorship. At issue

is "Vade Retro," a painting by Manuel Ocampo designed as part of an installation for "¡Monster! ¿Monster?," a group exhibition about the Columbian quincentennial. Among other things, "Vade Retro" depicts a cartoonish black man with gigantic genitals urinating on a cross.

"I feel very strongly about the artist's right to express himself," Self-Help director Sister Karen Bocalero said. "But this is a racist statement. It would not be acceptable in our Chicano community and to people who bring their children to the gallery." To show the offending image "would put the institution at risk" both in terms of community goodwill and financial support provided by the National Endowment for the Arts, Bocalero said.

On the other hand, removing the painting, as Bocalero did, raised charges of censorship. Exhibition curator Martin Durazo posted the following statement: "¿Monster? ¡Not any more! The works of Manuel Ocampo will not be displayed at this gallery. . . . The executive committee of Self-Help Graphics believes it has an obligation to protect the sensitivity of its patrons at the expense of artistic expression. The curator respectfully disagrees with this type of censorship."

"This is exactly the kind of art the NEA objects to," Bocalero said. "I am aware that a debate is going on about this, but I don't know of anyone or any group that has lost its life for this issue. I don't think the community would expect Self-Help Graphics to give up its life or means of survival for that artwork." Reported in: *Los Angeles Times*, October 10.

#### Hartford, Connecticut

Three oil paintings deemed too sexually explicit were removed October 7 from an exhibit at the Connecticut Capitol concourse. "The works are inappropriate for a public space where schoolchildren go by every day," said David B. Ogle, executive director of the Joint Committee on Legislative Management.

"Visionary Voices," an exhibit featuring more than a hundred paintings, collages and sketches by people who use art in their psychiatric therapy, was installed October 5, the first day of National Mental Illness Awareness Week. But soon Ogle had received seven complaints about three of the pictures. A group of his staff looked at the works and agreed that they were inappropriate for a public space.

The works removed were: "Self Portrait," by Sharon Bass, which showed a woman with exposed breasts; "Waiting . . . a Gang Rape," also by Bass, which is an abstract treatment of male figures with exposed penises over a naked female figure; and "Mary Scrubs the Floor in Hell," by Charles St. Pierre, which shows a naked woman in chains with fire between her legs.

Bass said that her work draws on life experience. "It's not even a realistic work, it's exaggerated," she said. "I don't understand why they would censor it. Children see all

kinds of things; they see graffiti on walls with profanity, violence in cartoons." Reported in: *Greenwich Time*, October 10.

#### Franklin, Massachusetts

Two paintings by a young Franklin artist, considered objectionable by a resident, were removed from a Municipal Building exhibit by Town Administrator Wolfgang Bauer. A private exhibit of work by mother and son artists Joyce and Charlie Gillis had been on display for just over a month. Two of Charlie's pieces, hung on the first floor, became controversial. They depicted a nude woman sleeping on her stomach with her right breast and buttocks exposed and a young woman in a brief bikini shown in frontal view.

"A complaint concerning the appropriateness of displaying this type of art in the town hall was made to my office," Bauer recalled. He said he agreed with the complaint and, unable to contact the Gillises, removed the pieces. "The subject of the pictures themselves is not the issue," Bauer added. He said that in addition to the complaint received about nudity, he questioned the propriety of displaying paintings with commercial price tags in a public building.

"Nudes have hung in the town hall before without any problem," responded Peter Wise of the Franklin Art Association. "I believe the problem is how the issue was handled without any real explanation for removing the works." Reported in: *Milford Daily News*, September 10.

#### Albert Lea, Minnesota

The Minnesota Civil Liberties Union announced October 30 that it would sue the Freeborn County Fair Board for ordering the removal of a sculpture by Jason Roth from a 4-H exhibit in August. The fair board voted 7-0 to ban Roth's work a few hours after it was taken to the exhibit.

The eight-foot sculpture showed a blindfolded goddess, a mannequin wrapped in a pale yellow dress, with imitation blood flowing from her mouth and from spikes nailing her throat, wrists and ankles to a cross, from which hang the scales of justice. The sculpture is titled "Pro-Choice."

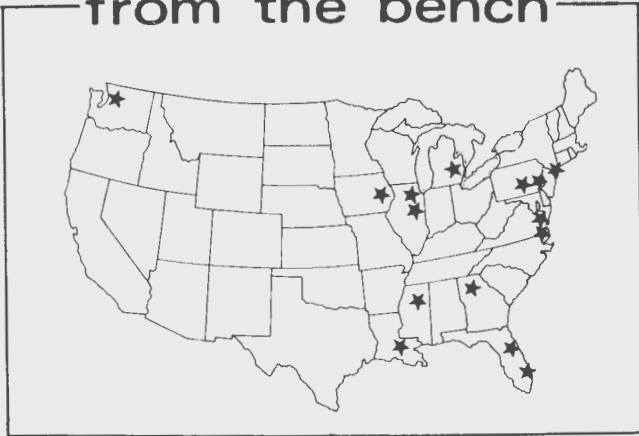
"The portrayal is not only of the execution of women's rights on the abortion issue but also the overall silencing of women when it comes to women's rights," said Roth, a college student. "The purpose in all of the artwork I do is to arouse emotions in people. If I can help people make decisions within themselves, I'm helping society in the long run. Whether they like the pieces is beside the point."

Roth, who grew up on his parents' farm near Albert Lea, won 4-H prizes for livestock and computers, but art is his passion. The fair gave a grand champion award to his 1991 entry, a memorial to Vietnam War POWs and MIAs. Then fair officials took back the award, saying it was a mistake. Reported in: *Minneapolis Star & Tribune*, October 31.

(continued on page 22)



## from the bench



### U.S. Supreme Court

The Supreme Court opened its 1992-93 term October 5 by accepting two cases that could further refine the constitutional separation of church and state. The cases reflect the federal courts' constant struggle with how states can ensure they do not establish or endorse a religion yet avoid unconstitutionally discriminating against religious speech or practice.

In one case, a New York school district denied a group access to its facilities because of the religious content of a planned film series. In the other, an Arizona school district denied a deaf high school student a state-financed interpreter because he attended a Catholic school.

The case of *Lamb's Chapel v. Center Moriches Union Free School District* arose from a New York school district's policy of making its facilities available for after hours community use but prohibiting activities by any group "for religious purposes." The district turned down the pastor of a local evangelical Christian church who wanted to show a film series about family issues, saying the series had religious overtones.

The U.S. Court of Appeals for the Second Circuit ruled that in cases in which schools offer a "limited public forum," they may exclude certain types of speech, provided groups are not selectively denied access. Lawyers representing the pastor said the ruling allows "a blatant government censorship of private religious speech."

In *Zobrest v. Catalina Foothills School District*, the court will examine a federal appeals court ruling that an Arizona school district had a compelling reason to deny a sign-language interpreter to a student in a Catholic high school. While the U.S. Court of Appeals for the Ninth Circuit said

the school policy burdened the student's right of free exercise of religion, it was overcome by the state interest in avoiding support of religion. The school district would have provided an interpreter if the student had chosen a public school or a nonreligious private school, and the student's lawyers argue that the pupil is seeking the funds to overcome his handicap, not to advance his religion. Reported in: *Washington Post*, October 6.

On October 13, the Supreme Court declined to overturn its 1989 and 1990 rulings that granted free speech protection to those who burn or deface the American flag as a political protest. Without comment the justices rejected a bid in *Texas v. Jimenez* to revive a Texas law that banned flag-burning. Reported in: *San Jose Mercury-News*, October 14.

On November 4, the Supreme Court heard arguments in its first free exercise clause case in three terms. In *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, a church whose rituals include animal sacrifice contended that Hialeah, Florida, ordinances banning such sacrifices deprive it of its liberty. The city argued that its laws are aimed at conduct, not religion, and in any event are supported by compelling governmental interests in public health and animal welfare.

The district court found that the ordinances "are not religiously neutral but were intended to stop the practice of animal sacrifice." Nevertheless, it found the ordinances passed two threshold tests, because they are directed at conduct rather than belief, and have the secular purpose and effect of preventing cruelty to animals, safeguarding public health, welfare, and safety, and preventing adverse psychological effects on children exposed to such sacrifices. The U.S. Court of Appeals for the Eleventh Circuit affirmed the ruling, although it expressly disavowed reliance on the trial court's conclusions regarding the risk to children. Reported in: *U.S. Law Week*, November 10.

### schools

#### Jacksonville, Florida

A judge declared in mid-November that a fight over a conservative abstinence-oriented sex education program in Jacksonville schools should be settled out of court. Circuit Judge Bernard Nachman ordered both sides in a suit filed last April by Planned Parenthood and seven families against the use of the Teen-Aid program in Duval County schools to inform him whether they are willing to accept mediation.

"The nature of this action is such that protracted litigation would not serve the public interest," Nachman wrote.

The lawsuit targets the accuracy of Teen-Aid and disputes whether it fulfills the mandate of Florida's health education law that requires school systems to teach pregnancy prevention. But Teen-Aid supporters say that teaching about birth control could violate other Florida statutes and contribute to juvenile delinquency.

Since Teen-Aid was approved, the makeup of the school

board changed. Two new board members have said they think the board should review its use of Teen-Aid. A Planned Parenthood representative said mediation was welcome. Reported in: *Tampa Tribune and Times*, November 15.

#### **Wheaton, Illinois**

U.S. District Court Judge James B. Moran ruled in October that the use of the controversial *Impressions* reading series in Illinois District 200 elementary schools did not violate the right of religious freedom guaranteed by the First Amendment. After reviewing the entire series, the judge dismissed a lawsuit brought by a group of district parents.

The law suit, filed in November, 1991, sought to ban or control the use of the *Impressions* books, but Moran ruled that it is the board of education's responsibility to select educational materials. "It is not the province of this court to sit as some sort of reviewer of the decisions of local school boards," he wrote.

Legal action against use of the books followed a lengthy and comprehensive review of the materials in 1991 by a broad-based citizen committee. The District 200 Board of Education subsequently adopted a resolution authorizing the continued use of the books and defined a procedure whereby parents could request that their child be excused from reading selections they found offensive. Reported in: *Wheaton Leader*, October 14.

#### **Kittanning, Pennsylvania**

Eighth graders in the Apollo-Ridge School District will again be reading *Dragonwings*, by Laurence Yep. A ruling issued September 15 by Judge Joseph Nickleach denied a request by Kiski Township Pentecostal Minister Sylvia Hall seeking to ban the book from the district's curriculum.

Hall contended the reading of the book in a public school violated the First Amendment prohibition against the establishment of religion. *Dragonwings*, she argued, advanced the particular religions and beliefs of Taoism and reincarnation. It also promoted secular humanism by implying that man can achieve his goals without God's intervention. Last spring, she asked the district to stop using the book, but on May 26 the school board voted to keep *Dragonwings* in the curriculum.

In his opinion, Nickleach wrote: "The fact that religions and religious concepts are mentioned in school does not automatically constitute a violation of the establishment clause." Beyond that, the book was used for a "purely secular purpose" and did not foster excessive state entanglement with religion. "In fact, little, if any, discussion of the book's religious references took place and when it did, the teachers were completely neutral on the matter. Neither the book nor the teachers who taught it expounded a particular religion as the only correct belief or even the preferred belief, he concluded.

"Though the court appreciates Elder Hall's concerns and admires the strength of her conviction, the court finds that

she has failed to sustain her burden of proof that Apollo-Ridge School District has violated the United States Constitution," Nickleach wrote.

The ruling affirmed that "schools are in the business of enlightenment, not indoctrination," said Apollo-Ridge Superintendent David Leckvarcik. Reported in: *Kittanning Leader Times*, September 17; *North Hills News-Record*, September 17; *Morristown Times-Herald*, September 19.

#### **Norfolk, Virginia**

A federal judge on September 3 rejected a First Amendment claim brought by a student who was suspended from Blair Middle School after wearing a T-shirt to school that read "Drugs Suck!" U.S. District Court Judge Robert G. Doumar said the language on Kimberly Ann Broussard's shirt could be considered offensive, vulgar and disruptive of the school environment. He said the average middle school administrator could reasonably find sexual connotations in the word "suck," but that "speech need not be sexual to be prohibited by school officials."

"I'm amazed — absolutely," said Ruth Lord, Kimberly's mother. "I expected that the First Amendment would prevail." Reported in: *Washington Times*, September 6; *Collegiate Times*, September 8.

## **film**

#### **New Orleans, Louisiana**

The U.S. Court of Appeals for the Fifth Circuit lifted an injunction September 22, clearing the way for distribution of the British documentary film *Damned in the U.S.A.* The film about censorship was under legal attack by anti-pornography crusader Rev. Donald E. Wildmon, who was interviewed in the film.

A coalition of filmmakers and civil rights advocates had won a ruling on September 8 by U.S. District Court Judge Glenn Davidson in Mississippi allowing distribution of the films, but Davidson stayed his order a week later pending a ruling by the appellate court on Wildmon's appeal (see *Newsletter*, November 1992, p. 190). The appeals court, which will rule on contractual issues, said that the chances of Wildmon's overturning the district court decision were "slim" and vacated the injunction.

Wildmon contends the film violates a contract he signed with its producer, giving him censorship rights over the product in return for agreeing to be interviewed. The producer, Paul Yule, said, "We are thrilled that finally, after almost a year of litigation, this film about censorship in America can finally be shown to the people of America." Reported in: *New York Times*, September 23.

## music

### Seattle, Washington

A Washington state Superior Court judge on October 29 struck down that state's "erotic music" law, enacted last March (see *Newsletter*, July 1992, p. 122; September 1992, p. 160), ruling that it was a violation of the First Amendment and state constitutional guarantees of free speech. Judge Mary Brucker also ruled that the statute constituted prior restraint and was a violation of state and federal guarantees of due process.

The law allowed a county prosecutor to ask a judge to declare that a particular recording appealed to a minor's prurient interest and offended community standards. If a judge so declared, a recording would have to be labeled "adults only." Any dealer who refused to label and restrict such an album could have been fined up to \$500 and sentenced to six months in jail.

Brucker's ruling came in response to a suit filed by the Recording Industry Association of America (RIAA), the Washington Music Industry Coalition, and the ACLU. In her ruling, Judge Brucker said the law was so vague that record stores might censor themselves because there was no mechanism to alert retailers or consumers of albums labeled erotic. She added that self-censorship "deprives creativity."

"The basic flaw in this statute is the denial of persons affected to know that a sound recording has been determined to be erotic," she wrote. A record store owner could violate the law while having "no means of knowing what the law is."

"I can only hope that today's decision will send a warning to anyone else who mistakenly believes that the recording industry and the judicial system will sit back and allow political grandstanders to create a censorship scenario by instilling fear of prosecution and as a result produce a chilling effect on free speech," commented RIAA President Jason Beraman.

But while an appeal was deemed unlikely, Richard White of the Washington Coalition said, "I don't believe for a minute that this is the last we have seen of this type of legislation in Washington state." Reported in: *Washington Post*, November 4; *Seattle Post-Intelligencer*, October 30; *Seattle Times*, October 30; *Spokane Spokesman Review*, October 30.

## television

### New York, New York

U.S. District Court Judge Jack B. Weinstein ordered CBS News November 23 to surrender a "reality" news show videotape showing Secret Service agents ransacking a Brooklyn apartment for evidence while an absent suspect's wife and child cowered on a couch. Weinstein said the search — with a CBS crew along by invitation of the Secret Ser-

vice agents, against the explicit orders of a prosecutor — violated the Constitutional protections against unreasonable searches, and he said this outweighed the newsgathering privileges embodied in the First Amendment.

"The First Amendment is a shield, not a sword," Weinstein wrote in a decision that criticized CBS and the Secret Service, and ordered the television network to turn the tape over to the defendant so he can use it in his defense in an otherwise unremarkable fraud case. "Even a reporter must accept limits on how far upon another person's privacy he or she may intrude," the judge wrote.

Judge Weinstein acknowledged that the tape was protected by the First Amendment as the product of journalists' work, but held that that privilege had been overcome because the tape was necessary for the defense.

"This tape, with the gripping images of a cowering wife and child and lack of any evidence supporting the Government's claim, is likely to be strongly relied on by the jury in weighing the Government's charges," the judge said. "By inviting CBS to accompany it on its search, the Secret Service may well have provided a basis for a finding of not guilty."

Judge Weinstein did not declare the search illegal, noting that that remained to be decided. But he said the decision to let CBS go along turned what might have been a justifiable search into trespassing and "a shocking and offensive violation of a person's privacy." Reported in: *New York Times*, November 24.

## FOIA

### Washington, D.C.

Any reporter who has waited out a Freedom of Information Act (FOIA) request knows the government's many tricks for holding back public records. Increasingly, however, public officials intent on blocking such requests are turning to the federal courts and many state courts, and finding judges who seem ever more willing to support suppression.

In the twelve years since the Reagan administration Justice Department reversed a federal policy requiring release of records unless "demonstrable harm" would result, the FOIA news has been increasingly grim. New federal and state court decisions are placing a greater burden on FOIA users to prove that the benefits of public disclosure outweigh privacy concerns. Some recent federal court decisions illustrate the point:

- In December, 1991, the U.S. Supreme Court ruled that releasing the names of Haitian deportees would be an undue invasion of privacy. Human rights attorneys had asked the Immigration and Naturalization Service for the information to verify government claims that those sent back to Haiti had not faced political persecution.
- In August, the U.S. Court of Appeals for the District of Columbia Circuit ruled that the Nuclear Regulatory Commission could deny access to voluntary industry reports on plant safety. The court said that forcing disclosure would

jeopardize government and industry cooperation, and that information given voluntarily should be automatically confidential if businesses do not "customarily" make it public.

- The same court, in a 1990 case, ruled that the Justice Department could withhold information on possible misconduct by the former head of the House Banking Committee. The case was just one example of how the D.C. court, a critical venue for FOIA cases, has in effect rewritten FOIA laws to close records.

- The district court in D.C. ruled last year that NASA didn't have to release tapes of its communications with the doomed Challenger crew to the *New York Times*. NASA, which issued a transcript that some familiar with the tape called inaccurate, argued that release would infringe on the dead astronauts' privacy.

State courts have also tended to follow the tougher federal lead on FOIA cases, with some notable exceptions, such as in Kentucky and North Carolina. For just one example, in California the state supreme court in 1991 rejected the *Los Angeles Times's* bid for former governor George Deukmejian's appointment calendar. In a 4-3 decision that one dissenter called "anathema to democratic government," the court ruled the "confidential decisionmaking process" would be inhibited if the public were apprised of when, where, and with whom the governor held meetings. Reported in: *NewsInc.*, October 1992.

## libel

### Battle Creek, Michigan

Ending a case that had already changed the state's libel law, the Michigan Supreme Court struck down a \$1 million libel judgment against the *Battle Creek Enquirer*. In a 5-2 decision, the high court said that David P. Rouch could not collect a libel judgment simply because the *Enquirer* had inaccurately reported that he had been "charged" with rape when he had actually only been held for arrest by police.

The case had been closely watched in Michigan because it centered on whether newspapers can be found libelous when they accurately report statements made by law enforcement figures. In Rouch's case, the newspaper's story was based on telephone interviews with police officers at two police departments.

The December 22, 1979, article accurately reported that Rouch had been arrested on suspicion in the rape of a teenage baby sitter who was watching his stepchildren at the home of his former wife. However, the article erroneously reported that a prosecutor had authorized the arrest; that Rouch had been "charged" with the crime; and that the victim had been watching Rouch's own children, rather than his stepchildren.

In fact, Rouch was held overnight and never arraigned in court. No one was ever charged in the assault, but the *Enquirer* did not print a correction for nearly a year.

The Rouch case dramatically reduced press protections against libel suits. The claim was originally thrown out, but when the case was appealed to the Michigan Supreme Court, the justices held unanimously that private citizens need prove only negligence in a libel suit, even if important public issues are involved. At the same time, the court ruled 5-2 that police reports — or information relayed by police officers — are not protected from libel charges.

Rouch's claim was reinstated and went to trial. A jury awarded him \$1 million, but when that was appealed, the high court ruled against Rouch. Reported in: *Editor and Publisher*, August 8.

## copyright

### New York, New York

Settling one of the biggest literary battles of the year, a judge ruled in late November that *Harper's* magazine violated copyright law when it published parts of a confidential letter by author Gordon Lish. U.S. District Court Judge Morris E. Lasker ordered the journal to pay Lish \$2,000 for those portions *Harper's* published from the letter, which was meant for prospective writing students. Lasker rejected Lish's claims that *Harper's* edited version of the letter amounted to libel. Reported in: *Wall Street Journal*, November 29.

## begging

### New York, New York

Beggars who have been roused from New York City subways may still have a place in the city's streets and parks. U.S. District Court Judge Robert Sweet ruled September 30 that a statute criminalizing loitering in a public place "for the purpose of begging" violates the First Amendment.

In 1990, the U.S. Court of Appeals for the Second Circuit overturned a similar decision by Judge Leonard Sand, which had protected begging in the subways, ruling that begging is conduct, not speech; the U.S. Supreme Court declined to hear an appeal. But Judge Sweet said the distinctions drawn by that decision were questionable in light of the U.S. Supreme Court's ruling last June, regulating charitable solicitation in New York airports. In that case, each of four opinions recognized that in-person public solicitation was entitled to First Amendment protection, even though the Court decided by a narrow 5-4 majority that airports were not traditional public forums.

Balancing the interests of the speakers, the audience, the public, and the government, Judge Sweet found that a poor person's interest in calling attention to his plight and to the social and economic conditions giving rise to it outweighs the privacy interests of his/her public audience. Sweet also found that public and governmental interests in avoiding fraud and harassment could be addressed by a more narrowly drawn statute than a blanket ban on begging.

"A peaceful beggar poses no threat to society," Sweet said. "The beggar has arguably only committed the offense of being needy. If some portion of society is offended, the answer is not in criminalizing those people but addressing the root cause of their existence." Reported in: *U.S. Law Week*, November 10; *Miami Herald*, October 3.

## prisons

### Des Moines, Iowa

A federal magistrate ordered Iowa prison officials to turn over controversial reading materials to a convicted murderer, even though the publications had been deemed anti-Catholic and "blatant bigotry." U.S. District Magistrate Mark Bennett of Des Moines issued the judgment in favor of Iowa State Penitentiary prisoner Everett R. Lyon. Bennett ruled that prison officials were arbitrary in their decisions on what reading materials could be allowed into the prison system.

Prison officials had denied Lyon access to more than a dozen anti-Catholic religious comic books published by Chick Publications, citing regulations providing that an inmate may be denied a publication if it "is likely to be disruptive or produce violence." But Bennett cited testimony by administrators that there never has been a case of anti-Catholic sentiment creating disciplinary or security concerns. Bennett also noted that another inmate had received eighteen Chick religious comic books and two packs of booklets. He subsequently received additional materials without restriction.

"The court specifically finds that none of the religious comic books by Chick Publications denied to Lyon are likely to cause disruptions within [the prison] if disseminated to inmates of that correctional facility," Bennett wrote. Reported in: *Des Moines Register*, October 13.

## public forums

### Evanston, Illinois

A supermarket is not a public forum and the Illinois Constitution does not guarantee freedom of speech or political activity on such private property, the Illinois Supreme Court ruled October 1. The court turned aside arguments that supermarkets and shopping centers have become public forums. Instead, justices reinstated the conviction of a Chicago man who was arrested in 1987 outside a supermarket in Evanston as he was soliciting signatures on nominating petitions.

The court said Paul DiGuida could have sought signatures while on the public sidewalk a few steps away. Instead, he was standing in the shopping cart area under the building's overhang. He was not blocking customers from entering or leaving the store.

The court said the state constitution only protects free speech from interference by public or quasi-public agencies.

The supermarket was not a public forum, even though it allowed people to post messages on a bulletin board inside. The board, Justice Thomas J. Moran ruled, "is not generally a mechanism for the exchange of ideas."

DiGuida argued that had he moved to the public sidewalk he could not have attracted store customers, who overwhelmingly park in the store's parking lot. "Whatever walking traffic there is on the sidewalk is nil," he said.

The court appeared to limit its ruling to freestanding stores, which left open the possibility that the issue could be decided differently if the property were an entire shopping center or mall. Reported in: *Chicago Tribune*, October 2.

## public employees

### Miami, Florida

When he was disciplined for making comments from the pulpit offensive to some Hispanics, the Rev. Willie E. Sims, Jr. charged that his employer — Dade County's Department of Community Affairs — was violating his First Amendment rights. But a panel of the U.S. Court of Appeals for the Eleventh Circuit disagreed, ruling 2-1 that the First Amendment does not grant government employees the right to say whatever they want off-duty and still keep their jobs, if what they say is inconsistent with their duties.

"The First Amendment does not require that Sims be allowed to continue his weekday employment drenching the fires of racial animosity for the department, while he fans those flames during his weekend sermon," wrote Judge Bailey Brown. Judge Joseph W. Hatchett dissented, warning that the ruling effectively strips public employees in Florida, Georgia and Alabama of their right to say things their bosses don't like. Reported in: *Miami Herald*, September 21.

## advertising

### Anchorage, Alaska

A state judge ruled in early November that the city of Anchorage could not bar advertising for a play about black gay men from its busses. The bus system said its regulations bar advertising for cigarettes, or ads that include obscenities or refer to "adults only" material. But Superior Court Judge Joan Katz said the regulations were too vague, and ordered the city to accept advertising submitted by Out North Theater for showings of *Fierce Love*. Reported in: *Juneau Empire*, November 5.

## child pornography

### State College, Pennsylvania

A three-judge federal appellate panel has tightened the interpretation of child pornography by ruling that even covered genital areas of persons under eighteen can still be suggestive

enough to be deemed a "lascivious exhibition." Judge Robert Cowen of the U.S. Court of Appeals for the Third Circuit wrote that "an 'exhibition of the genitals or pubic area' pursuant to [the 1977 federal Protection of Children Against Sexual Exploitation Act] encompasses visual depictions of a child's genitals or pubic area even when these areas are covered by an article of clothing."

"The harm Congress attempted to eradicate by enacting the child pornography laws is present when a photographer unnaturally focuses on a minor child's clothed genital area with the obvious intent to produce an image sexually arousing to pedophiles," Cowen wrote. "The child is treated as a sexual object and the permanent record of this embarrassing and humiliating experience produces the same detrimental effects to the mental health of the child as a nude portrayal." Cowen's opinion was joined by Judges William Hutchinson and Joseph Weis, Jr.

The unsuccessful appeal had been brought by Stephen Knox of State College, who was convicted in February, 1992, of receiving through the mails "visual depictions of a minor engaged in sexually explicit conduct." Reported in: *Newark Star-Ledger*, November 13.

## abortion

### Washington, D.C.

The Bush administration may not enforce a rule restricting federally funded family planning clinics from counseling patients about abortion, a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit ruled November 3. The court said the revised rule, permitting only doctors at the clinics to discuss abortion with patients, was adopted illegally.

The Department of Health and Human Services adopted the modified rule without giving the public adequate opportunity to challenge it, the court said. The agency changed the 1988 rule, upheld by the U.S. Supreme Court in the controversial *Webster* decision, to exempt doctors from the gag rule. The decision left open whether the administration could still enforce the wider gag rule, but the issue was likely to be moot, since President-elect Bill Clinton has pledged to revoke both versions of the rule. Reported in: *Milwaukee Sentinel*, November 4. □

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(censorship dateline . . . from page 16)

## television

### Pocatello, Idaho

Pocatello-based KPVI-TV was the only ABC affiliate station in the country to ban the September 30 episode of the popular series *Civil Wars* because it contained an "excessive presentation of nudity." The plot followed the decision by

the character played by actress Mariel Hemingway on whether to pose for an art photography session. She decides to pose in the nude and the show covers the session.

The show did not show any "unobstructed nudity" and all full-body shots of Hemingway were shadowed. But Harry Neuhardt, KPVI station manager, said that was not enough. "We are more than willing to put it on our station," he said. "It's not the topic that was upsetting to me, but the execution. If we could have edited 30 seconds of it, we would have been comfortable and more willing to air it." He said the station received more than 300 phone calls, about 70 percent of which protested the decision. Reported in: *Idaho State Journal*, October 2.

## foreign

### Yaounde, Cameroon

The Cameroon government imposed an indefinite suspension on three opposition newspapers one month before the central African country's first multiparty presidential election in more than thirty years. The three papers — *Le Messenger*, *La Nouvelle Expression*, and *Challenge Hebdo* — were suspended because they had not submitted to routine censorship. The three newspapers had recently published investigative reports implicating President Paul Biya and members of his family and government in financial scandals. Reported in: *Boston Globe*, September 13.

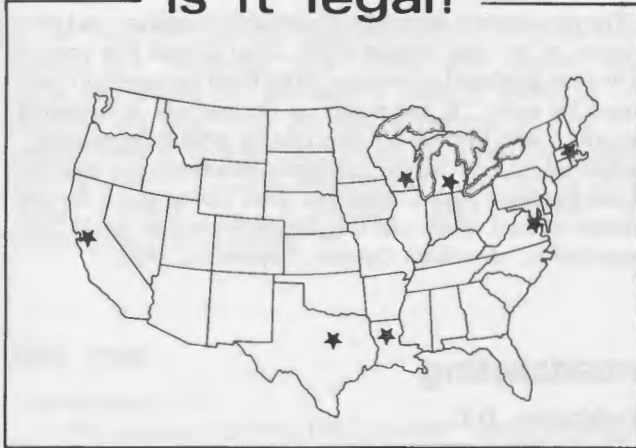
### Bonn, Germany

U.S. military bookstores in Germany will no longer carry copies of Adolf Hitler's *Mein Kampf*. The book was pulled in early October from the shelves of Stars and Stripes bookstores after a request from the German government. Since 1945, Germany has banned sale of the book, except for old copies sold in second-hand stores and specialty annotated scholarly editions. Germany has been battling a rising tide of right-wing extremism, but a foreign ministry representative said the government's efforts to get *Mein Kampf* out of Stars and Stripes bookstores had been going on for years. Finally, the government sent a formal request to the U.S. embassy. Reported in: *Houston Post*, October 17.

### Hanover, Germany

German authorities banned the song "I Wanna Make Love to Steffi Graf" after the tennis star and her father complained. Prosecutors ordered the song off the air October 1 and ordered all copies seized from record stores. The song was recorded by the German rock group "Angefahrene Schulkinder," which often uses controversial, satirical texts. Reported in: *Lynn Daily Evening Item*, October 2. □

## is it legal?



### libraries

#### Slidell, Louisiana

The American Civil Liberties Union of Louisiana filed suit October 14 against the St. Tammany Parish School Board over the board's removal of the book *Voodoo and Hoodoo* from public school libraries (see *Newsletter*, July 1992, p. 106; September 1992, p. 137). The suit, filed in U.S. District Court in New Orleans on behalf of the mother of a seventh-grader at Clearwood Junior High School in Slidell, charges that the banning of the book violated the student's First Amendment rights.

"The American judiciary has long recognized that students do not shed their constitutional rights to freedom of speech at the schoolhouse gate," ACLU of Louisiana Executive Director Shirley Pedler said. Pedler charged that the board censored the book "out of a desire to impose its own religious values on St. Tammany students."

"The School Board's decision to ban the book is aimed at the suppression of supposedly dangerous ideas, which violates the free speech provision of the First Amendment," ACLU attorney Jim Hashek told reporters. "The decision to ban *Voodoo and Hoodoo* also constitutes arbitrary, capricious and unreasonable discrimination on the basis of religious or political ideas or beliefs."

The book traces the development of tribal religion in Africa and its transfer to black communities in America. The book also includes "recipes" for voodoo "spells."

Susan Campbell, the mother of 12-year-old Shelley Campbell, said she filed the suit because she objects to censorship. "I definitely don't believe in voodoo," she said, adding that she found most of the "recipes" in the book to be "ridiculous." Reported in: *Baton Rouge Advocate*, October 16.

### schools

#### Bloomington, Michigan

A Michigan school district has asked televangelist Pat Robertson's legal center for help to fight a student's lawsuit that seeks to remove a painting of Jesus Christ from a high school hallway. Bloomington High School student Eric Pensinger and his mother, Dott Washegesic, filed suit in U.S. District Court in Kalamazoo October 30, claiming that the painting violated the First Amendment separation of church and state.

"It clearly violates the law," said attorney Susan Fall of the ACLU, who is representing Pensinger. "What we're looking for is a final decision which provides for the picture to be taken down and not displayed anywhere in the Bloomington Public Schools." Reported in: *Oakland Press*, November 5.

### university

#### Madison, Wisconsin

The Board of Regents of the University of Wisconsin, one of the first colleges in the country to adopt a "speech code" prohibiting students from uttering racist or sexist slurs, voted 10-6 September 11 to repeal it. The board also agreed to work on a new rule against discriminatory conduct. The regents had passed two versions of the speech code over three years ago, on votes of 12-5 and 9-6. A federal judge ruled the first version unconstitutional, and the second version was cast into doubt last June by the rejection of other hate crime laws by the Wisconsin Supreme Court and the U.S. Supreme Court.

Board President George Steil initiated the repeal, saying the rule would be hard to implement and costly to defend in court. Other regents maintained the rule would impinge on free expression. Regents Sheldon Lubar and Jonathan Barry voted to repeal the speech code, even though they had supported it previously. Other new votes for repeal were cast by two regents who joined the board in June. Reported in: *Wisconsin State Journal*, September 12; *Capital Times*, September 12; *Washington Post*, September 12.

### film

#### Dallas, Texas

The Dallas Motion Picture Classification Board, which classifies movies to be shown in the city of Dallas, has determined that the anti-apartheid musical film *Sarafina!* is too violent for viewing by anyone under 16. The Motion Picture Association of America ratings board, however, gave the film a PG-13 rating, which indicates only that some material may be inappropriate for children under 13. The board objected to scenes that show a constable being doused

with gasoline and teenagers being tortured in prison.

As a result, the Dallas board filed suit to compel Buena Vista, the film's distributor, to advertise the movie as unsuitable for anyone under 16. The distributor refused. Dallas theaters may not admit people under 16 to films rated "not suitable" by the local board without their parents.

"A metropolitan giant like Dallas is the last place I expected this to come from," said the film's producer, South African Anant Singh. Reported in: *Miami Herald*, October 8; *Oakland Tribune*, October 6.

## obscenity and pornography

### Washington, D.C.

The long battle against the Pornography Victims Compensation Act ended October 8, when Congress adjourned for the year without acting on the bill. Although in the waning days of the session there was concern among the bill's opponents, including the American Library Association, that it might be attached as an amendment to another piece of legislation, it did not progress after the Senate Judiciary Committee narrowly approved it by a vote of 7-6 on June 25.

The Pornography Victims Compensation Act was introduced in February, 1991, by Kentucky Senator Mitch McConnell. It would have authorized the victim of a sexual crime to file suit against the producer and distributor of a work that "caused" the attack. In its original version, the bill applied to any book, magazine, movie, videotape or recording with sexual content. The bill was heavily amended in the Judiciary Committee, however, and its final version applied only to material that was legally "obscene." Reported in: *OIF Memorandum*, October 1992.

### Toronto, Canada

Police in Ontario have confirmed censorship opponents' worst fears about a new antipornography standard promoted by the University of Michigan law professor Catharine MacKinnon. In February, 1991, Canada's Supreme Court essentially adopted the standard advocated in an *amicus* brief co-authored by MacKinnon. Under the new standard, sexually explicit material that is violent, degrading, and, as a result, "harmful to women" will be deemed obscene.

Only one publication has been prosecuted since that decision — a lesbian magazine produced by women for women.

On April 30, the Ontario Provincial Police issued a charge against the manager of Toronto's Glad Day Bookshop. One month earlier, an undercover officer had purchased a copy of an American lesbian magazine call *Bad Attitude*, that includes photos of bound, naked women. The store's manager and owner were charged under a section of the criminal code prohibiting sale of any material whose "dominant characteristic" is "the undue exploitation of sex" — the same clause at issue in the Canadian Supreme Court case MacKinnon had briefed.

The prosecution angered anticensorship activists and proponents of gay and lesbian rights, who argued that images of women produced by women differ from pornography produced for men. "It just points up the dangers of investing the police with [the job of] determining what is degrading," said Brooklyn Law School professor Nan Hunter, a member of the Feminist Anti-Censorship Task Force and a former director of the Lesbian and Gay Rights Project of the ACLU. Reported in: *American Lawyer*, September 1992.

## broadcasting

### Washington, D.C.

The Federal Communications Commission (FCC) moved aggressively in late October against what it deems "indecent" broadcasts by Howard Stern, a controversial New York-based syndicated "shock" radio and television personality. On October 27, the commission announced that it was finding Los Angeles radio station KLSX-FM a record \$105,000 for broadcasting "indecent" segments of Stern's show during inappropriate daytime hours. The next day, the FCC sent a letter to Infinity Broadcasting Corporation, which owns Stern's show, asking if the material that was cited against KLSX also aired on three other stations that were carrying the Stern program during the same period — WXRK-FM in New York, WJFK-FM in Washington, and WYSP-FM in Philadelphia.

The commissioners voted to charge KLSX after finding the Stern program to "contain language that describes sexual and excretory activities and organs in patently offensive terms." Moreover, the material was broadcast at times "when there was a reasonable risk that children may have been in the audience."

"This is war now. This is a declaration of war between the FCC and radio stations," commented Jeff Pollack, head of Pollack Media Group, a Los Angeles consulting firm for MTV and 100 radio stations. "It's a free speech issue. The FCC is overstepping its bounds on what their responsibilities are all about. They're not supposed to be public censors."

"I am a victim of censorship," agreed Stern. "This is an attempt to get me off the air and stop the spread of Howard Stern."

The FCC action against KLSX was prompted by radio listener Al Wescott. From October 30 to December 6, 1991, Wescott taped and transcribed Stern's daily broadcasts before submitting an eleven-page complaint listing "forty-seven specific instances which I found to be possibly obscene and indecent," he said. Wescott claimed he contacted potential sponsors of the Stern show and convinced twelve companies that had purchased time to pull their ads.

"I used that in my complaint with the FCC to establish that these companies didn't want to be associated with the show because it didn't meet contemporary community standards," he said.



The \$105,000 fine was described by people in the radio industry as a "staggering" and "unbelievable" amount, even given that KLSX was the number fourteen station in Los Angeles last year, with advertising revenue of over \$15 million. Similar fines to other stations in the past have ranged from \$2,000 to \$15,000. Reported in: *Los Angeles Daily News*, October 29; *Los Angeles Times*, October 30; *Washington Post*, October 30.

## fair use

### Washington, D.C.

In the last days of the 1992 session, Congress passed legislation that will make it easier for scholars to use quotations from unpublished documents. The measure clarified rules on how scholars and journalists may have "fair use" of excerpts from unpublished material, such as diaries and letters. Historians, biographers, and literary scholars frequently use quotations and selected passages from their subjects' letters and diaries to support an argument or shed light on their subjects' character.

Under the fair use concept — long recognized by courts and codified by Congress in 1976 — limited quotation of copyrighted material for scholarship or journalism does not infringe the author's copyright and is therefore permitted. But in recent years, well-known public figures and their families have protested the doctrine, saying it violates their privacy.

Two rulings by the influential U.S. Court of Appeals for the Second Circuit in the late 1980s — one involving an unauthorized biography of Scientology founder L. Ron Hubbard and another involving a similar work on reclusive author J.D. Salinger — narrowed the interpretation of fair use. They said that the unpublished nature of a document protected it from use by scholars and journalists. The legislation essentially reversed those decisions, declaring that a court cannot block publication of a book or article solely because it includes quotations from unpublished documents.

Scholars complained that the two rulings hamstrung their ability to write and publish accurate biographies and histories. They said the rulings left publishers afraid to release books that include quotations from unpublished documents without first gaining the approval of the copyright holder — the book's subject or the subject's heirs.

The new law states that the fact that a work includes unpublished excerpts should not in itself bar a writer from publishing that work. Instead, that should be only one of a number of factors the court should consider. Other factors include the purpose and character of the use of the unpublished material, especially whether the use is of a commercial nature or is for non-profit educational purposes; the amount of unpublished material included; and the effect of the use on a potential market for the unpublished work. Reported in: *Chronicle of Higher Education*, October 21.

## military censorship

### Washington, D.C.

The Pentagon's top lawyers will determine if sexually explicit publications may be banned from military stores and under what circumstances, the Department of Defense announced October 15. "The question is: should commanders have the authority to restrict the sale of certain publications, any publications, at Army or Air Force exchanges or on board ship or anywhere in their unit?" department representative Pete Williams said.

The question arose because of recent attempts to eliminate sexual harassment of women in the military. Acting Navy Secretary Sean O'Keefe ordered a series of moves intended to improve the situation of Navy women in response to the 1991 Tailhook sex scandal. Among the actions that O'Keefe ordered was a review of whether sexually explicit publications should be sold in the Navy exchange system. Earlier in 1992, the commander of the Navy's Recruit Training Center in Orlando, Florida, banned both *Playboy* and *Penthouse* from base exchanges. Lawyers from *Playboy* have threatened to go to court to end the Orlando ban.

Responding both to the Orlando ban and to rumors that a broader ban was being considered, *Playboy* attorney Bruce J. Ennis said in a September 8 letter to the Department of Defense that "any such ban would clearly violate the First Amendment. *Playboy Enterprises* takes this matter very seriously and has authorized me to take whatever steps necessary, including litigation, to ensure that there will be no interruption in the sale of *Playboy* magazines at Navy PXs, or at any military PXs." Reported in: *Philadelphia Legal Intelligencer*, October 16; *San Jose Mercury-News*, October 14.

## police

### San Francisco, California

The *San Francisco Bay Times*, a gay and lesbian newspaper, has filed a civil rights suit in federal court against the city of San Francisco and former police chief Richard Hongisto over the alleged confiscation of thousands of copies of the paper from newsracks. Also named were three police officers who, it is charged, conspired with Hongisto to remove the papers on May 8.

The seized copies carried a front-page cartoon of Hongisto with a nightstick held between his legs. The caption read, "Dick's Cool New Tool: Martial Law," a reference to Hongisto's controversial crackdown during rioting that followed the acquittal in the Rodney King beating case in Los Angeles.

The suit alleges that Hongisto directed the three officers to take the papers from the racks. On May 13, the suit said, 2,132 copies of the papers were returned to the *Bay Times* by the police. Two days later, Hongisto was fired by the Police Commission in connection with the incident amid

widespread publicity.

San Francisco District Attorney Arlo Smith ruled earlier that no criminal charges would be filed in the case because the removal of the papers did not violate state law in that the *Bay Times* is distributed free and thus has no "fair market value."

However, the suit states that the *Bay Times*, as a result of theft, incurred extra production and distribution costs, overtime pay, and lost ad revenue because it was unable to meet its circulation guarantee to advertisers. Reported in: *Editor and Publisher*, October 3.

## prisons

### Gardner, Massachusetts

Two inmates at the state prison in Gardner were fired from editorial positions on two prison publications, in a move that one of the men said constitutes censorship. "I think they did not approve of the political philosophy which was being taken by the journal. I believe it's wrong to censor it. Inmates deserve accurate information and not just a party line," said inmate Benjamin La Guer.

La Guer said he and fellow inmate William Nadworny were fired October 5 from their respective positions as associate publisher/editorial director and publisher/editor-in-chief of the bimonthly *Gardner Press Newsletter*. They were also fired from positions on a quarterly journal.

Robin Bavaro of the state Department of Corrections said La Guer and Nadworny were fired because they violated a policy for administrative review of the newsletter's contents. Bavaro said the inmates had included articles that had not been approved by the prison superintendent and "which were inflammatory to other inmates and had the potential for something happening."

The dismissals came as two advocates charged that inmates' rights to free expression were being increasingly limited in Massachusetts. Elena Natalizia of the American Friends Service Committee said the corrections department often uses vague security concerns as a guise to restrict inmate speech. "In addition to what has apparently happened at Gardner, I know of other incidents where prisoners are being punished for speaking critically of department policy," she said.

Luke Janusz, a former inmate at the state prison in Norfolk who started an internationally circulated prison news magazine, agreed that the situation in Gardner was not unusual. "Massachusetts has a notorious record and reputation for censorship within prisons and for violating prisoners' First Amendment rights," Janusz said. Janusz said he was repeatedly sent to solitary confinement, had his mail confiscated, and was transferred after being acquitted of charges brought by the prison officials in connection with his magazine. Reported in: *Worcester Telegram & Gazette*, October 7.

## AIDS

### San Francisco, California

The San Francisco AIDS Foundation September 29 blasted the U.S. Marine Corps for its "inane" and "ignorant" attempt to kill an ad that features a model with the Marines emblem tattooed on his arm. "In the midst of the most devastating epidemic of our time, the Marines saw fit to send us a cease and desist order for our AIDS prevention ad," said Pat Christen, the foundation's executive director. "We find the Marines' response to our ad silly at best, lethal at worst."

The Marine Corps had said it would consider legal action against the foundation for what the Corps considers an unauthorized and inappropriate use of its eagle, globe and anchor emblem. The ad was aimed at persuading sexually active people to get tested for the AIDS virus. It featured photographs of four embracing couples — one of them heterosexual, another lesbian — shot nude from the waist up. A man in one of the two gay male couples had a Marine tattoo on his upper arm.

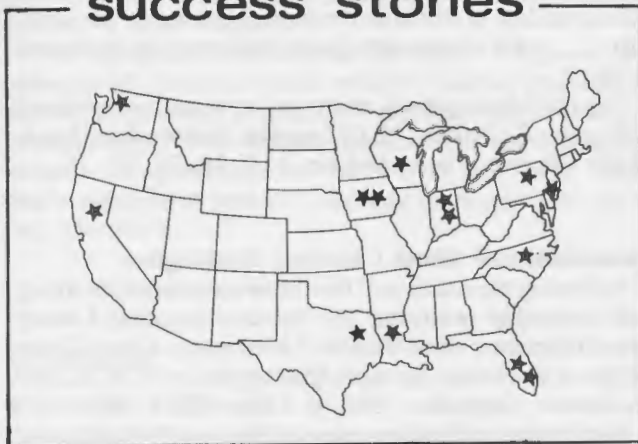
In a July 15 letter, Maj. K.H. Winters urged the foundation on behalf of the Marine Corps to stop its use of the emblem. He said such use "could create the inference that the Marine Corps is somehow partially responsible for the spread of AIDS in the San Francisco area" and "could be viewed as tacit approval of homosexuality in the Marine Corps." The military bars homosexuals from service, but President-elect Bill Clinton has said he would rescind the ban. Reported in: *Oakland Tribune*, September 30. □

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## success stories



### libraries

#### Brooksville, Florida

The Hernando County School board voted unanimously November 10 to keep a book about the adventures of an orphaned boy on the shelves of the Moton Elementary School library despite a parent's protest that the book is offensive. *James and the Giant Peach*, by Roald Dahl, was criticized by Debra Salgado, who said the book contains a foul word and promotes drugs and whiskey.

The board decision concurred with two county review committees and Superintendent Dan McIntyre, who said the book was merely a fantasy about good triumphing over evil. Reported in: *St. Petersburg Times*, November 12.

#### Liberty, Indiana

*Scary Stories to Tell in the Dark*, by Alvin Schwartz, won't be banished from elementary school library shelves in Union County. County School Superintendent Todd Rudnick told the school board October 12 that the district's Library Censorship Committee had reviewed the book after receiving a complaint and found it appropriate. Rudnick did not elaborate on the nature of the complaint, but said the committee agreed that children reading the book could "separate reality from folklore." The board voted to accept the committee's recommendation. Reported in: *Connersville News-Examiner*, October 13.

#### Storm Lake, Iowa

If a library begins to censor children's posters, soon enough, it might not have Halloween decorations, maps that include flags from controversial countries, and eventually, books that offend some patrons. That was the response from Storm Lake Library Board members, who met in October

to reject the first request in any member's memory to have an item removed from the collection.

The request involved a floor game and mural in the children's department based on the Caldecott Award-winning alphabet book *Animalia*, by Graeme Base. Complainants Susan Thayer and Dale Gamache said the book incorporates small, almost hidden designs including satanic symbols, machine guns, devils, an imprisoned child, a drowning nun, a swastika, and "squelching" of Christian symbols. "Children will become increasingly familiar and accustomed to seeing occult symbols, evil-looking animals and negative descriptions," they wrote. They asked that the art be removed, but stopped short of calling for the book's censorship.

Board Chair Olan Ewing said the request gained considerable public attention. "I've had lots of input personally, and it seems the only threat — and that word is probably too strong — that patrons perceive from *Animalia* is the threat of being subject to censorship. What they are saying is that they would be more offended by removal of the materials than they would be by the content of those materials."

Library Director Rose Peterson added, "If you are looking to be offended, well, we have something that's likely to offend everybody."

Board member Dick Euchner noted that the request involved only art, not a book. "This is something we place on the wall and the floor, exposing everyone who enters to it," he said. But Ewing said the treatment of art should not be dissimilar to books. "The library is something that when you walk in, you should expect to be challenged."

Eventually, the board voted 7-0 to recognize those who protested for what Ewing called "a courageous thing for anyone to do," but to inform them that the board will retain the artwork and its open access policy. Reported in: *Storm Lake Pilot-Tribune*, September 19, October 14.

#### Pitman, New Jersey

Joyce Coneby insisted she "wasn't looking for trouble" when she opened her eighth grade son's school library book last March. "I'm just an ordinary parent," she said. "I saw it was entitled *Sheila's Dying* and my first thought was, 'I hope they're handling the subject wisely.'" Coneby had no quibble with how the book portrayed a girl's bout with cancer, but found herself shocked by the book's language and references to teenage drinking and premarital sex.

Soon after, Coneby read another of her son's library books entitled *Jason and Marceline*, a story of adolescent sexual awakening. "What educational value is there in that?" she asked. "It's not a positive book about life. Jason smokes and drinks and there are absolutely no repercussions."

Angered, Coneby complained to the Pitman school district — and lost. After reviewing the works, officials denied her request that the books be removed from school libraries, and ruled that *Jason and Marceline* would remain available without restriction. *Sheila's Dying*, they ruled, would be

restricted to those in the eighth grade or above.

Superintendent Michael DiPaola defended the books as reflecting "what young people themselves are talking about. What some people want and what realities are is so disparate you just shake your head," he said. "Evidence of sexual activity and experimentation is overwhelming. To act like none of this is out there is shirking our responsibility."

"Schools should not be institutions of social censorship," DiPaola added. "One of the premises our country was founded on was, 'We can agree to disagree.'" Reported in: *Camden Courier-Post*, October 5.

### Fayetteville, North Carolina

The Cumberland County Library board of trustees voted unanimously October 22 to keep *Daddy's Roommate*, by Michael Wilhoite, and *Heather Has Two Mommies*, by Leslea Newman, the controversial children's books about homosexuality, in the children's reading section of the library. Trustee Jim Scurry said the board had a duty to fight any attempt at censorship. Had the board banned the books, he said, it would have "satisfied some small faction of the community, probably infuriated many and violated the rights of all."

The action came a week after a heated public hearing at which opponents of the books argued that they promote a dangerous and ungodly lifestyle from which children must be protected. Previously, the library received six written complaints about the books and a petition to ban the books appeared as a full-page advertisement in a local newspaper.

Among the complainants was Frances Virbick, who heard about *Daddy's Roommate* on a television newscast. Although she freely admitted that she had not even seen either of the two books, Mrs. Virbick said that "anything that promotes or teaches homosexuality is decaying the minds of children."

Dr. Philip Shafer, president of Fayetteville Right to Life and an opponent of the books, said the trustees acted on the "false assumption that the issue is about censorship. It is not a matter of censorship, but of responsible choice," he countered. "The choice here is materials for your children to read, who are not themselves capable of making decisions about social adjustment."

Library director Jerry Thrasher said the library does not encourage use of the books but simply makes them available. "The library thinks it is important for parents to exercise their legal and moral responsibilities to monitor what their children read, see, and do," Thrasher said. "We don't encourage and we don't force people to believe what they don't want to believe. We just provide information for people to make up their own minds on the issues of our times."

In the wake of the board decision, Shafer's group organized to defeat a proposed library bond issue to finance five branch libraries on the November 3 ballot. Charging that the library "takes the lead in pursuit of legitimizing homosexuality," newspaper advertisements placed by the group urged voters

to reject "expansion of a library system that encourages young children to affirm and endorse conduct or a 'life-style' that . . . leads to untimely death and serves no biological utility."

The bond issue passed, however, by a narrow margin of 198 votes: 32,210 for, 32,012 against. Reported in: *Fayetteville Observer-Times*, October 6, 7, 16, 23, 25, 26.

### Snohomish and Island Counties, Washington

Following the addition of three new members with strong anti-censorship positions, the Sno-Isle Regional Library board of trustees voted October 5 to overturn its June 22 ban of the controversial rap tape *Efil4zaggin*, by N.W.A. (see *Newsletter*, September 1992, p. 139).

New trustee and bookstore owner Suzanne DeCuir moved that the tape be restored to the collection. After a 3-3 vote, board chair Lee Noren cast the deciding vote to reinstate the tape. Noren did not participate in the original 3-2 vote to ban the recording. Two trustees who voted no left the board. On advice of the library's attorney, the board also decided to drop its earlier idea to restrict access by minors to certain materials.

In August, Snohomish County Executive Bob Drewel broke a tradition of essentially allowing the board to pick new trustees by establishing a committee of librarians to recommend nominees and interview applicants. He said county boards and commissions should reflect the community's diversity. The board formerly was composed entirely of white people of retirement age; two of the new members are much younger and former library staff member Nannette Denouden, an outspoken critic of the ban on the tape, is African-American. "I want to see people come and give the board hell," she said. Reported in: *Seattle Times*, October 7; *American Libraries*, November 1992.

### Antigo, Wisconsin

Calling the book "beautifully done through words and pictures," the Antigo school district Reconsideration Committee on October 5 unanimously rejected a parent's request to remove *Sir Gawain and the Loathly Lady* from elementary school libraries. The ten voting members of the committee recommended that no action be taken to remove the book.

The book is based on the legend of King Arthur and recounts a tale of a hideous hag released from a witch's spell by Sir Gawain. The parent objected to a reference to the Loathly Lady as a "hell-hag" and to another passage in which the Black Knight suggests that King Arthur "roast in hell."

"The vulgar language is uncalled for in any book, to say nothing about a book for the fifth grade level," the parent said in a formal complaint. The parent was also concerned about possible "demonic influences the evil is provoking," and taking the name of God in vain. He warned that children

tend to believe what is written in books "and begin to talk and act in these manners."

The committee concluded that the book "brings out the concepts of chivalry, loyalty, honesty, courtesy, friendship and high regard and respect for women no matter what the circumstances." "Committee members note that the one incident of strong language was not "used as today" and "must not be taken out of context." Reported in: *Antigo Daily Journal*, October 6.

## **schools**

### **Porterville, California**

A community committee recommended in early October that a controversial book, *Bless Me Ultima*, by Rudolf Anaya, continue to be used in Porterville High Schools. Some Hispanic parents and religious groups had requested that the book be removed from the district, saying it contains many profane and obscene references, as well as vulgar Spanish words. They also charged that the book glorifies witchcraft and death.

A review committee of twelve community members, including five Hispanic members, concluded, however, that the book has educational value and should continue to be used in English classes at Monache and Porterville High Schools.

"Banning a book because it contains profanity or references to witchcraft, ignoring the qualities of the book, would open the door to banning the works of numerous other authors," the committee stated. "A passage taken out of context from any book can be interpreted however a person would choose to do so. A word, phrase or idea must be viewed within the overall intent or message of the book."

Schools Superintendent Dr. Jacob Rankin said he could understand the views of those who are concerned, saying they have the right to prevent their children from being exposed to the book. He added, however, that they did not have the right to prevent others from reading it. Reported in: *Porterville Recorder*, October 6.

### **Iowa City, Iowa**

After three meetings and hours of discussion, a reevaluation committee ruled September 10 that teachers in the Iowa City Community School District should be allowed to show R-rated movies, lifting a ban imposed earlier in the year. The decision confirmed a regulation on the books since 1982, which said: "All material should be appropriate for the subject area and for the age, emotional development, ability level and social development of the students for whom the materials are selected."

The committee of 21 teachers, administrators and students said teachers using R-rated movies will have to review the movie in advance with other teachers and the principal of their building to collectively decide whether the film meets

the district's criteria.

Last March, Superintendent Barbara Grohe issued a no R-rated movies policy that sparked opposition among teachers. The decision came after parents objected to a showing of *Excalibur* in a tenth grade English class. Grohe said the new resolution was satisfactory. Reported in: *Iowa City Press-Citizen*, September 11.

### **Alexandria, Louisiana**

A Rapides Parish School Board member's attempt to remove a classic novel from the school system's approved reading list was defeated by a 7-2 vote November 2. Board member Kenneth Doyle had charged that Nobel Prize winner John Steinbeck's *Of Mice and Men* is inappropriate because of its use of profanity. "If you use the Lord's name in vain, you're not going to find me around it," he said.

Doyle said he made his request after a minister complained to him about the use of the novel in Oak Hill High School. "I know it's a classic and all that stuff, but if my constituents don't like it, I don't like it," Doyle said. "The ones I've heard from, they are ministers, and I can appreciate their feelings."

The minister who approached Doyle was Rev. Paul Carroll. He said his concern was prompted when a ninth-grader brought the book to his attention. "Being a pastor of the church, I felt it my responsibility, I couldn't just hand it back to her and say, 'It's educational,' and let it go from there," Carroll said. "It needed to be brought to somebody's attention, someone who had power to do something."

At the board meeting, a school librarian and two English teachers defended the book. Board member Ruth O'Quinn, a retired teacher, said she taught the book for 26 years, and could understand some parents' desire not to have their child read the book. But, she told them, "Your prerogative only is to chose what *your* child studies." Reported in: *Alexandria Daily Town Talk*, October 27, 28, 29, November 3.

### **Carlisle, Pennsylvania**

J.D. Salinger's *Catcher in the Rye* will remain in the curriculum at Cumberland Valley High School despite a parent's challenge, the school board voted October 19. A review committee evaluation of the book was prompted by a parent's objections that it contains profanity and is immoral. The six-member committee recommended, however, that the district keep the oft-banned title in its honors English class for sophomores. The board agreed, voting 8-1 in favor of retaining the book.

"To this day I can remember that book and it has nothing to do with the language," commented board president D. Mark Thomas. He said that reading the book as an adolescent made him realize he was not alone in the problems he faced.

"Teachers are profoundly concerned, not just with their subject matter, but with the development of the whole child," said Dorothy Brown, who teaches the honors class. "It is

our view that *Catcher* does not promote immorality, smoking, drinking and profanity any more than *Macbeth* encourages regicide or *Romeo and Juliet* encourages teenage love affairs or the story of Lot in Genesis encourages incest." Reported in: *Carlisle Sentinel*, October 20; *Harrisburg News*, October 20.

## student press

### Austin, Texas

Lyndon Baines Johnson High School principal Dorothy Orebo tried to make use of Austin's new restrictive publication policy, only to be overturned by an appeals committee. In September, 1991, Austin's school board adopted a policy allowing prior review by administrators. As the first principal to censor a student newspaper article under policy, Orebo tested the limits of her new authority.

The article in the *Liberator* was about two coaches who had been accused of recruiting violations. "The story had an admirable purpose," explained faculty adviser Andy Drewlinger. "It was meant to inform the students so they wouldn't jump to conclusions."

The three district administrators who served on the appeals committee disagreed with Orebo and overturned her verdict on the article, which she had refused to read. The article appeared in the paper on the last day of the school year, June 3.

"We felt the writing was good, nothing in it was inciting or inflammatory. It was well-written, a good piece of journalism," said Toni Turk, an assistant superintendent. Turk explained that Orebo's decision was the result of a gag order that prevented her from discussing the case. She did not want the student paper to do so if she could not, he said. Reported in: *SPLC Report*, Fall 1992.

## art

### Boca Raton, Florida

Once banned in Boca, artist Charlotte Maloney opened an exhibit September 3 at the city's Community Center, but only after gaining the assistance of the ACLU. "It's a story with a happy ending for a change," said ACLU attorney Jim Green.

Last May, city officials pulled seven paintings of nudes by the artist from the James A. Rutherford Community Center. That display, like the one that opened in September, was arranged through the Professional Artists Guild. The guild and Boca Raton have a contract allowing members to display their work at various city sites, although the city is allowed to reject any work it deems "objectionable material."

While preparing for the second exhibit, Maloney was told that again no nudes would be accepted. She got on the phone to the ACLU and Green called the city. "We contend that

the term 'objectionable' is vague," he said. "It's clear that term was being interpreted in a manner that would chill expression." After some discussion, the city agreed, and Maloney's exhibit, including eight nudes, went on display. "You can fight City Hall!" concluded the exuberant artist. Reported in: *Palm Beach Post*, September 3.

### Richmond, Indiana

The Richmond Art Association September 3 said no to a demand from several area church officials that it close its exhibit entitled "Hands on Society." Rev. Ralph Holdeman of the Lighthouse Assembly of God Church had led a group of local ministers in picketing the exhibit's opening. The group later met with the association board and demanded removal of the exhibit, a collection of assemblages, sculptural compositions made from unrelated objects, by five regional artists. They charged that two of the works appeared to be a direct attack on clergy and a third — a life-size figure, part skeleton, part machine, hanging on a cross — was particularly offensive to Christians.

"I'm not surprised," said Holdeman of the rejection, "but I am very disappointed. They just totally ignored and disregarded us. We've asked that something absolutely anti-Christian and anti-Christ be removed, and what we got in return was a two-page letter filled with rhetoric. There's no sense of an apology and they're not even stating that they would be more sensitive in the future."

In the letter to Holdeman, association board president Ronald Maze reaffirmed the board's commitment to the exhibit, citing local newspaper editorials in support of free expression. Reported in: *Richmond Palladium-Item*, September 4.

### Alexandria, Louisiana

Two controversial pieces of art will remain on display at the Alexandria Museum of Art. At a special meeting October 11, a majority of the museum board agreed that to remove pieces from its September Competition display would constitute unacceptable censorship, rebuffing pressures exerted by a local politician and the Alexandria City Council.

"The nude human body has been an acceptable subject of paintings and sculpture for centuries and could hardly be considered offensive by anyone who has ever visited a major art museum," declared board president Sally Foster.

Former state Rep. Dale Smith had asked museum officials to remove a piece titled "F\_\_ Me, F\_\_ You," by Susanna Dent. The work includes the two "F-words" in the title and a postage stamp-sized cutout of a naked female bottom.

After Smith's objection gained publicity, the City Council sent a letter to museum officials expressing concern over the Dent piece and a second work — a full-length photograph of a nude man entitled "Ron, 1992" by Thomas Waters. The council did not threaten to withdraw its annual \$10,000 grant to the museum, although some council members in-

licated they might want to reevaluate the contribution in light of the controversy.

In a statement, the board declared that the works would remain on display as scheduled until November 28. "To do otherwise would constitute censorship of a professional art juror's choices, endanger our accredited status and expose the museum to litigation by the artists for violation of entrance representations," the statement said. "Nevertheless, the museum respects this adverse comment in the tradition of mutual free expression. Moreover, the museum will reexamine its mission and guidelines for future competitions in a desire both to serve the community and merit its support." Reported in: *Alexandria Daily Town Talk*, October 16. □

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(sex . . . from page 1)

Kirk Brooks called on Mayor Bob Lanier to halt the purchase. The group also called for the resignation of Library Director David Henington. "Some of the worst pornography is in our libraries and schools," Brooks declared.

But Lanier called the matter a free speech issue and said it was not his "management style" to intervene in such disputes. "This is an area where people feel very strongly," the mayor said. "Unfortunately, it's also an area where the guidelines aren't as clear as they could be."

On November 24, Brooks led about a dozen people to a City Council meeting where they angrily called on lawmakers to remove the book or face recall. "If some slut performed the same acts on the streets of Houston, she'd be arrested, so why should we let Madonna perform the same vulgarity on the shelves of our public library?" asked Ron Guidry.

"I hardly think the likes of Thomas Jefferson, James Madison, et. al. ever in their wildest imaginations envisioned a foul-mouthed, trashy woman masturbating with a crucifix," added Wanda Schultz, who called on the city's vice squad to shut the library down.

The demonstrators won the support of council member Christin Hartun, who said the public library is no place for *Sex* and called for an independent committee to review the book. "I'm not for censorship, but with our limited shelf space and limited resources, we should find more books of general interest," she said.

In fact, even as the demonstrators cajoled the council, a review of the book by a special library committee was already underway, following receipt of formal requests to reconsider it. On December 2, the committee decided and Henington agreed to keep the book, but not to allow it to circulate and to restrict in-library access to adults only. Henington said

the book's fragile structure and the "sensitivity of the contents" factored into the decision, which he said indicated the library's continued adherence to a "long standing policy of open access to the collection."

Mayor Lanier applauded the decision. "Hopefully, things won't progress to the point where I become a book inspector," he said. Antipornography crusader Brooks called the move "a step in the right direction," but she did not budge from her position that the book is illegal pornography. "Candidates who try to stand in our way," she vowed, "we will recall them. It's just that simple."

In Austin, library officials were compelled to restrict access to *Sex* after Travis County Attorney Ken Oden issued an opinion that allowing minors to see the book is illegal. Oden issued his opinion after Austin police vice officers asked whether the book could be classified as pornography.

"In our community this publication is legal for adults, but it is not legal for sale, distribution or display to children unless the child is accompanied by a consenting parent or guardian," Oden wrote. His opinion added that "there is really no distinction between public libraries or private businesses. The government has no greater right to sell, display or distribute this material than private businesses have."

Oden said that anyone caught distributing the book to minors, including librarians, would be charged before a grand jury. "We would prosecute any public or private organization which chose, after notice of the grand jury ruling, to continue to provide the publication to children."

Austin Library Director Brenda Branch said the library would comply with the opinion, "We'll certainly abide by the county attorney's opinion," she said. "The [open access] policy is still the same, but we'll make an exception for this book."

The Austin libraries added *Sex* to their collections on November 12. Branch decided not to limit access to the books, other than to keep them behind the circulation desk and require viewers to present a photo identification listing their address, in order to prevent theft or damage to the books. The decision drew protests from many in the community, including Mayor Bruce Todd, who said he objected to minors having access to the book "because these types of publications exploit women."

Branch, who at first rebuffed the mayor's request to consider limiting access to the book, changed her position the next day, saying that the library would review its open access policy with respect to Madonna's work. That review was rendered moot by the Oden opinion.

Austin area booksellers said the Oden opinion would not affect them. "Our company policy, regardless of what your county attorney says, was that we would not sell this book to anyone under the age of 18," said Donna Passannante, director of public relations for Barnes & Noble, Inc. The company owns two of the largest bookstores in Austin:

Bookstop, Inc. and B. Dalton Booksellers. Another local store, Book People, said the issue was moot. "We sold every one we bought and we can't get any more," said store manager Doug Hymel.

In Arizona, libraries in Phoenix, Glendale, Tempe and Scottsdale declined to purchase *Sex*. "Even if we didn't get any objection to the book, we figured it wasn't worth buying," said Ralph Edwards, head of the Phoenix Public Library. "If you've read the reviews, you know they're all bad. We decided it didn't have sufficient artistic quality or content quality to make it worth spending \$50 a shot on." In Scottsdale, library director Linda Saferite said the spiral binding of the book indicated it would not survive repeated circulations, and Kim Garz, collection management librarian in Tempe, agreed. In Glendale, library director Rodeane Widom said she didn't have the budget to spend on a photo book whose photographer "is not anyone who was given any real acclaim."

In Mesa, however, the book provoked enormous controversy after library director Vince Anderson revealed that he had placed an order for it. Within days, library and city officials had received hundreds of complaints about the decision and at the request of Mesa Mayor Willie Wong, on October 28, the order was canceled.

"We're not exercising censorship," Wong explained, because "we're not pulling it off the shelves. Now, if the Madonna book had been on the shelf, it would have been a much different situation. Then, in my opinion, it would have been censorship." The mayor said that when he got up October 27 and saw a newspaper story about the library purchase of *Sex* he thought, "My career is over. I'm dead meat. I had to take the community into consideration, although I'm a strong supporter of the First Amendment. My feeling is that the community is not in support of Madonna's book. So I canceled the order."

But Community Services Manager Wayne Korinek said he had fielded many of the protest calls and said "they weren't threatening or screaming. They just said they felt it was completely inappropriate to have that type of book in our public library system."

Although Anderson also fielded many calls, he said he would have preferred to keep the order. "Professionally, I can't be anything but upset that he [Mayor Wong] didn't follow the standard procedure of a book reconsideration request." The library, he said, planned to keep *Sex* at the reference desk, with other expensive books. It would have been available for reading only in the library.

Asked why he did not refer the book to the review committee, Wong said, "I'm not really sure how we purchase books. All I know is this particular book is very controversial."

"I'm concerned that a precedent has been set regarding censorship and the library," said Fred Missel, chair of the Mesa Library Advisory Board. "I will abide by [Wong's] decision, but there is a broader issue at work here. I'm con-

cerned that the process of the community evaluating itself has been taken away."

At least three copies of the book were donated to the Mesa Public Library by patrons angry about the ban. "One guy donated his copy directly to the mayor, another brought it to the library over the weekend, and the other gave it to the City Council during its Monday meeting," Anderson said. "They all said they were concerned about the First Amendment questions involved in censoring it."

About 75 people attended a library board meeting November 3. Six people spoke in favor of the library's having the book, and twenty spoke against it. "Those against it were saying that Mesa is a family town and that this is not a thing to have in the library at all," Anderson said. "The other side was saying that the library should have it and that you don't have to look at it but that it should be there if you want to."

In Des Moines, Iowa, the library received enough requests to order one copy of *Sex* as a reference item, unavailable for circulation. To retain the book, the library had to weather a stormy controversy that ultimately involved Mayor John Dorrian and the city council.

After it became known that the library had ordered the Madonna book, Dorrian said his telephone "rang off the hook" with protests. The mayor himself examined *Sex* and pronounced it pornographic. "The book is full of unnatural sex acts and nudity," Dorrian said. "If this can be displayed, I'm really afraid that the next thing would be that they'd show triple X movies down there."

"I know I may get in hot water with a lot of people for trying to interfere with the library trustees, but I'm speaking out on behalf of the citizens of Des Moines who have told me, with phone calls and letters, that the library is not the proper place for it. I agree with them, and that's why I'm speaking out," the mayor said.

On November 9, Dorrian brought the issue before the City Council. After discussion the council stopped short of calling for the book's removal. Instead, it was decided to send a letter to the Library Board of Trustees, asking them to pursue an offer made by two citizens to pay for the book to ensure that no money from the city's library budget was used.

The next day, the library board took up the issue and unanimously stuck by the original decision to make the book available. "The staff has reviewed the method in which it was handled and believes an appropriate decision was made," library director Elaine Estes told the trustees. She said the book would remain a reference item that people eighteen and older could view at the main library. The library accepted a gift from an anonymous donor who paid for the book.

"A great deal of people in Des Moines and the rest of the country know that censorship has no bounds once it has begun," Estes said. But many in the audience saw the matter differently.

"This book is inappropriate because it promotes sexual



promiscuity at a time when the government is spending money to try and stop that behavior," said David Cortner. After the meeting, several people tore up their library cards and deposited the remains at the checkout area.

In Colorado Springs, Colorado, after three days of answering over 400 angry telephone calls, Pikes Peak Library officials decided October 20 to cancel the library's order for the Madonna book. Many callers threatened to vote against a November 3 bond issue that would raise \$8 million for physical improvements at a library branch.

Although library director Bernie Margolis said officials didn't buckle under to pressure from "any narrowly focused perspective," he acknowledged that the scores of irate callers influenced the decision. "Certainly," he said, "the calls help us gauge the importance of the items to the community." The library ordered the book after four patrons requested it. After the order was placed, an additional 73 patrons requested the book before the order was canceled.

Margolis maintained that the bond issue was not a factor in the decision. "I think we would have sacrificed the winning of a bond issue to stand up for the First Amendment," he said. "In my personal view, this book is not worth fighting for. I believe, personally, that it's pornography." Margolis said the book was rejected because it didn't meet the library's purchasing criteria. The library bond issue did not pass.

In Greenwich, Connecticut, Greenwich Library Director Elizabeth Mainiero took the unprecedented step of passing the book among librarians and the executive committee of the library's board of trustees to "confirm that people thought it should, within our policies, be added" to the library's collection. While Mainiero said she personally found the book "objectionable," she and other library officials agreed it would not be proper to impose their views on the public. Elsewhere in Connecticut, however, the Manchester Public Library board decided November 2 to postpone for a month a vote on whether to place the book on the shelves. Libraries in Stamford, Norwalk and New Canaan said they would not stock the book, despite receiving written requests for it.

In Nebraska, the Omaha Public Library did not plan to buy the book, but six of seven City Council members agreed to sign a letter asking Acting Library Director Verda Bialac to remove *Sex* from any list of possible acquisitions anyway. "The book's literary value is certainly questionable," the letter said, "and the graphic nature of its pictorials crosses the boundaries of nudity in art form by any stretch of the imagination."

The letter was drafted by council member Steve Exon, who earlier in 1992 was involved in efforts to block Omaha music stores from selling sexually explicit rap recordings to minors.

The St. Louis, Missouri, Public Library canceled its order for six copies of *Sex* after librarians weathered public criticism of the book. "The book is out of the scope of our collection," library official Edna Reinhold said November 2. "It does not have the enduring value a book needs to become part of our permanent collection."

Twenty-six people had placed their names on the St. Louis main library's waiting list for the book, and hundreds of others were on waiting lists at fourteen branch libraries. But several hundred more had written, called or appeared at the library to express their disapproval.

"A great number of St. Louisans let us know in no uncertain terms that they did not think that the purchase of this volume was an appropriate use of taxpayers' money," said Glen Holt, the library's executive director.

Walter McGuire, manager of the Buder branch, the system's largest, said that three people had complained about the book's purchase, but that more than a hundred had requested it. "I can't say we're happy with the response we received when what we were trying to do was provide a book the public demanded," McGuire said. "But we can't afford to alienate people."

In Champaign, Illinois, three citizen groups attended a city council meeting October 27 to express their opposition to the Champaign Public Library's ordering of the book. The library agreed to withhold *Sex* from circulation until a formal complaint against it was resolved. On November 19, some 300 people attended a public hearing about the book. Many of the 25 citizens who spoke at the hearing before the library board argued that the book promotes sexual violence against women and children and that the library should take a moral stand and keep it off its shelves. Others urged the library not to let special interests dictate policy. "They'll be back trying to purge this library of its diversity," warned Robert Michael Doyle. "It won't be a library anymore; it'll be a church."

In Ingham County, Michigan, the library board declined November 30 to ban the controversial book. In a unanimous vote, the board turned down requests to remove *Sex* from the collection, although board members also agreed to examine their policy of not withholding the book from a child.

"There are adults who are interested in this book for various reasons," said Richard Douglass, county library director. "If the Madonna book was pulled off, that's not going to solve the problem we're talking about. I would not want my small child to look at it, but there are a lot of things in the library I would not want my children to look at." Reported in: *Arizona Republic*, October 29, November 5; *Austin American-Statesman*, November 26, December 1; *Booklist*, December 1; *Champaign-Urbana News-Gazette*, October 28, 30, November 18, 20; *Colorado Springs Gazette-Telegraph*, October 20, 21, 23; *Des Moines Register*, November 8, 10, 11; *Greenwich Time*, November 1, 8; *Hartford Courant*, October 30, November 3; *Houston Chronicle*, November 11, 25, 27, December 2; *Houston Post*, November 11, December 2; *Lansing State Journal*, December 1; *Mesa Tribune*, October 27, 28, 29, November 3; *New Orleans Times-Picayune*, October 22; *Omaha World-Herald*, November 14; *Phoenix Gazette*, October 29; *St. Louis Post-Dispatch*, November 3; *Scottsdale Progress*, October 30; *Stamford Advocate*, November 1. □

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