

newsletter
on
intellectual
freedom



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ISSN 0028-9485

July 1993 □ Volume XLII □ No. 4

school boards targeted

Robert Simonds, founder and president of Citizens for Excellence in Education (CEE), said the spring 1992 rioting in Los Angeles was "spawned in our public school classrooms. We have been teaching multiculturalism instead of Americanism for ten years now, and indoctrinating our children with values clarification and self-esteem." Simonds, a former minister and college teacher, founded CEE in 1983. He claims that the group's 925 chapters have quietly helped elect 1,965 school board members since 1989.

Whether Simonds's claims are exaggerated or not, one thing is clear: there is a growing movement among Christian conservatives to elect candidates to school boards. Sometimes the candidates openly declare their views. But frequently candidates with extreme right-of-center views have won elections as so-called "stealth candidates," who disguise their agenda until they have won a majority on the school board.

School boards across the country increasingly are challenged by groups opposing curriculum and services, said Karen Powe, director of policy services for the National School Boards Association. "Until about eighteen months ago, these challenges came in dribs and drabs," Powe said. "Now, a week never passes without me hearing from three or four districts that are very concerned."

Most of the challenges come from groups aligned with the religious right, she said. Their targets are similar: sex education, books that contain profanity or describe immoral situations, and self-esteem programs, viewed as a threat to parental authority because they encourage children to make decisions.

The conservative candidates thus tap a growing unease that schools are in crisis, and offer a solution. "The odds are in our favor and we are happy about that," said Simonds.

"The group usually enters a community when Mr. Simonds, 66 years old, gets a request to speak from a church group, often in conservative rural and suburban communities," the *Wall Street Journal* reported. "The normally soft-spoken man exhorts his audience to take control of the schools. And because of great apathy toward many school board elections, a small organization like his can have large effects."

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

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

(ISSN 0028-9485)

Newsletter on Intellectual Freedom is published bimonthly (Jan., March, May, July, Sept., Nov.) by the American Library Association, 50 E. Huron St., Chicago, Illinois 60611. Subscriptions: \$40 per year (includes annual index), back issues \$8 each from Subscription Department, American Library Association. Editorial mail should be addressed to the Office for Intellectual Freedom, 50 E. Huron St., Chicago, Illinois 60611. Second class postage paid at Chicago, Illinois at additional mailing offices. POSTMASTER: send address changes to Newsletter on Intellectual Freedom, 50 E. Huron St., Chicago, Illinois 60611.

censored exhibit returns to Ann Arbor

Nearly five months after a group of University of Michigan law students ordered the removal of an art exhibit about prostitution, the university and the seven censored artists agreed to a settlement of the dispute that will result in a reinstallation of their work. This time, the exhibit will accompany a university-sponsored symposium covering issues of feminist theory, sexual expression and censorship.

Titled "Porn'im'age'ry: Picturing Prostitutes," the exhibit originally was commissioned by students affiliated with the *Michigan Journal of Gender and Law*, in connection with an October, 1992, conference promoting the anti-pornography views of Michigan law professor Catherine MacKinnon (see *Newsletter*, January 1993, p. 15). Shortly after that conference began, however, one of the speakers complained to MacKinnon that the video portion of the exhibit contained "pornography." MacKinnon conveyed the complaint to the students, who removed the video. After exhibit curator Carol Jacobsen complained, the students consulted further with MacKinnon and other conference speakers, then ordered the entire exhibit removed.

Jacobsen contacted the ACLU's Arts Censorship Project, which negotiated with law school dean Lee Bollinger. Bollinger suggested the second symposium. "My sole purpose here is to turn what has been a painful event for all concerned into an opportunity to discuss differences and to learn," he wrote to Jacobsen. Bollinger said the law students had acted "unfortunately" when they removed the video. But, he insisted, "I don't believe they acted unconstitutionally or violated any legal rights."

Nevertheless, the final agreement to reinstall the exhibit also included a payment of \$3,000 to each of the artists involved. Reported in: *Arts Censorship Project Newsletter*, Spring 1993; *Michigan Daily*, March 18; *Ann Arbor News*, March 17. □

Snow White censor wins award

Duval County, Florida, School Superintendent Larry Zenke's endorsement of a ban on *Snow White* for children in kindergarten through second grade because of violence won one of five 1993 Muzzle Awards from the Thomas Jefferson Center for Protection of Free Expression at the University of Virginia.

"If *Snow White* can be restricted, nothing is beyond reach," said Robert O'Neil, the center's director and former University of Virginia president. Zenke said he merely approved a recommendation from a committee of parents and teachers, and passed it on to the school board.

Lee Burress

Lee A. Burress, retired Professor of English at the University of Wisconsin-Stevens Point and a national leader in the fight against school book censorship, died March 28 at the age of 75. He had been ill with cancer for less than a month.

"He was one of the most knowledgeable persons I knew in this country about censorship in public schools, and he was a keen observer of how important the free marketplace of ideas is, particularly in schools," said Eunice Edgar, recently retired executive director of the Wisconsin chapter of the ACLU. "Aside from that, he was a really nice man, a fine person."

Burress conducted several major national surveys to determine the extent of censorship in U.S. public schools, then publicized his findings in professional journals, newspapers, books and speeches. His last manuscript will be published this fall under the title *Critical Essays: Censored Books*.

Burress was a member of the ACLU, which he was serving as a state trustee at the time of his death. He also worked on censorship problems with the National and State Councils of Teachers of English and the Wisconsin Intellectual Freedom Coalition. Burress was a member of the Stevens Point faculty from 1958 to his retirement in 1988.

Three years ago, the Wisconsin ACLU named Burress "one of Wisconsin's most courageous and consistent anti-censorship advocates." In 1980, he won the Chisholm Award from the Wisconsin Council of Teachers of English, of which he was a charter member. In 1985, Burress received the Special Service Award from the Wisconsin Library Association for service to library professionals.

Burress's last battle was on local turf. In the Stevens Point School District last winter, he defended classroom use of the book *Anastasia Krupnik*, by Lois Lowry. Reported in: *[University of Wisconsin] Pointer*, April 1; *Wausau Daily Herald*, March 30. □

Also winning Muzzles were:

- Former Florida State Attorney John Tanner of Daytona Beach, for seeking the names of individuals who had rented sexually explicit movies from video stores.
- Navy Admiral Leonard Oden, for banning *Playboy* and other sexually oriented magazines from a U.S. Navy recruiting center in Orlando, Florida. Reported in: *Miami Herald*, April 14. □

in review

What Johnny Shouldn't Read: Textbook Censorship in America. Joan DelFattore. Yale University Press, 1992. 177 pp. + bib. & index.

Joan DelFattore, professor of English at the University of Delaware, has provided in this book an invaluable guide to the breadth and depth of challenges to public school textbooks and reading materials presented by a segment of Christian fundamentalism and the religious right. Prof. DelFattore's explorations began when she was confronted with teaching a summer course in literary classics for high school English teachers. During the course, she discovered that some of the teachers were familiar only with radically excised versions (300 lines to be precise) of *Romeo and Juliet*. From this discovery, she set out "to discover what other material is being deleted from textbooks, why, and by whom." This book is her extraordinarily readable presentation of her findings.

DelFattore begins her story in the 1980s with the case of *Mozert v. Hawkins County Public Schools* and addresses all the major school materials cases of the decade. What distinguishes her work is the quality and quantity of her research: she seems to have read not only the voluminous depositions and other court documents, but also the literature of the national groups supporting the religious challengers (Eagle Forum, Concerned Women for America, Focus on the Family, etc.). Thus, while she is clearly not sympathetic to the world view nor to the efforts of the individuals and groups involved in the challenges, she is able to present their arguments lucidly and without polemics. Indeed, this presentation is by far the strongest contribution of this work, as DelFattore lays out quite clearly what is at stake in these fights.

What is at stake is no less than control and preservation of the secular character of the public school curriculum. As DelFattore cogently demonstrates, the majority of these challenges are informed by a totalistic world view structured by what its adherents see as a literal reading of the Bible. Their literalism is a central component of their understanding of the world: words mean exactly what they say and, if they point to something beyond and outside that meaning, this is the way of temptation and the devil. This literalism explains the total unacceptability of fantasy, fiction, or any form of creative thinking. Interestingly, given their belief in a literal reading of the Bible, these fundamentalists see the United States as God's chosen place and its citizens (or its white, Protestant, fundamentalist citizens) as God's chosen people. Within this perspective, any sort of world-wide cooperation, any tolerance for diversity and differences, and any toleration of religious variation is the path to the reign of the Anti-Christ. And, of course, social roles, in particular gender roles, are natural and, therefore, any attempt to question or change these leads down these same paths. It is truly

no wonder, then, that these individuals are profoundly affronted by contemporary secular education. Their desire is to control what their children are exposed to in the course of their educations. In some of the cases, this took the form of attempting to have separate readings and sessions provided for their children. More often, the effort has been to excise the offending material from the public school curriculum altogether. Given the all-encompassing breadth of their religious beliefs, which DelFattore provides in sufficient detail to be breathtaking, such excisions would totally eviscerate the secular content of public school curricula and replace them with a religious orthodoxy representing only a small percentage of even the American Protestant community.

DelFattore also does an admirable job of laying out the politics and economics of the textbook industry and the textbook adoption process. It is here that it becomes clear that the stakes are national: a few large states (especially Texas and California) have an enormous impact on the contents of textbooks, which are then offered for adoption in states and localities across the nation. DelFattore discusses the ins and outs of these processes, the pressures from the left and the right on the publishers, and gives a good accounting of the work of the Gablers in Texas. From any reading of this book and my limited knowledge of the Gablers' agenda, however, it is not clear that their outlook is informed with the same totalistic fundamentalism as the challengers in the court cases presented here. While DelFattore does not argue that the Gablers share this belief system, she does not make it totally clear that they do not. This may seem a quibble, but given the effectiveness of the Gablers and their very real impact on textbook content, it is critical to know clearly where they do and do not hold the views of the religious challengers. The more clearly the opponent is seen, the more effectively s/he can be fought.

As I said at the outset, DelFattore has provided those who fight to preserve and expand First Amendment protections and those who believe in a secular public education that creates literate and articulate citizens an invaluable guide to one formidable segment of our opponents. She has done so in an eminently readable book. Having said that, I do, however, have a few problems with her work. Primarily, she exhibits a tendency to assume the validity and veracity of the claims, the impartiality of the motives and the wisdom of those defending the content of school materials. Thus, while she refreshingly starts her story by describing the spiraling defensiveness and authoritarianism of both sides in *Mozert*, this story line disappears. She presumes that it is generally and widely accepted as fact that the purpose (not just one of the goals) of public education is to create a citizenry capable of creative thinking, informed judgment and tolerance of diversity. This may well be true, but DelFattore marshals no documentation to demonstrate this assertion. In a chapter tantalizingly entitled "A Clash of Symbols," no symbols are presented to clash with those of the

religious challengers. Are we just presumed to know what our symbols are? Or do they have symbols and we have facts? Moreover, given her starting point of several high school English teachers who had only ever read Shakespeare in an anthology and *did not know that 300 lines were missing*, I am bothered by her implied belief that our schools are producing the kinds of citizens we desire. But DeFattore did not set out to examine the state of public education in America.

What she did set out to do she has done in well-researched detail and in a style that makes the cases and issues accessible to any literate reader (without boring those who already know the broad outlines). This book should not only be part of every library's collection, it should be required reading for school boards, library boards and trustees. — *Reviewed by Patrice McDermott, Women's Studies, Georgetown University.*

The Rushdie Letters: Freedom to Speak, Freedom to Write. ed. Steve MacDonogh. University of Nebraska Press, 1993. \$9.95 paperback, ISBN 0-8032-8198-6.

To express solidarity with Salman Rushdie, authors worldwide have been invited to write letters to him. These letters, two commentaries from Rushdie, and a chronology of events from the pronouncing of the fatwa (the death sentence) through November, 1992, are collected in this book. The day-by-day chronology will be useful for research, particularly because it reports foreign events poorly covered in the United States. Rushdie's commentaries clarify his intent in trying to be reconciled with Islam in late 1990. The letters, comprising about a hundred pages of the book, offer a variety of perspectives on freedom of expression, reflecting their authors' cultures and personal values. Only one writer actually discusses *The Satanic Verses* as a work of literature with meaning for those seeking to understand the struggle between one's adopted culture and that of one's fathers.

The authors' solidarity is not without cracks. Writers raise issues ranging from the greater persecution suffered by other Islamic authors, to Rushdie's poor fit as a heroic martyr symbol, to the imposition of Western values in cultures that don't subscribe to them. As a snapshot of progress toward honoring Article 19 of the *Universal Declaration of Human Rights*, the book is unique. It should stimulate thoughtful discussion of how we will balance imperatives of culture with rights of individuals in the global village. — *Reviewed by Carolyn Caywood, Virginia Beach Public Library.* □

(school boards . . . from page 91)

One school district where CEE candidates have made a difference is in Lake County, Florida. Ever since three conservative Christians gained control of the local board, the county has been split by a passionate debate over sex education, evolution, and censorship.

To their supporters, the three women are innovators trying to save money, make sex education more responsible, and strengthen instruction in basic courses like reading and math. Detractors say they will cut needed programs and promote one brand of Christian belief in the schools.

"I guess they think they're doing the best for our children, but I'm afraid they're going to take us back to the dark ages," said parent Dale LaRue, chair of the school district's Citizens Advisory Committee.

The balance of power on the five-person board shifted dramatically last September. No Democrats had filed to run, so the Republican primary decided the contest. When it was over, two incumbents, attacked as spendthrifts soft on discipline, had lost to conservative newcomers Claudia Ramsey and Judith Pearson. Of about 19,000 votes cast, Ramsey won by about 700, Pearson by nearly 1,000. In 1990, voters had elected another conservative, Patricia Hart, who had been a lone dissenter on the school board opposing tax increases and arguing against school health clinics for fear they would give advice on contraception. Both Pearson and Hart belong to CEE.

Hart and her supporters had also called on the board to consider teaching "creation science," which it did — before yielding to legal advice that this would violate the First Amendment separation between church and state.

A church network was active behind the scenes in the Lake County election. The Christian Coalition, the political organization of evangelist Pat Robertson, prepared a "voter's guide," which was distributed in church parking lots the Sunday before the election.

The incumbents, it said, wanted to ban creation science, voted to purchase textbooks promoting abortion, and supported a sex education program that promoted "safe sex" over one that promoted abstinence. The losers called the literature misleading and unfair.

Since the September takeover, the school board:

- Questioned provisions in Florida's school improvement legislation, Blueprint 2000, that call for schools to work with social service agencies to provide preschool child care, and health care. The board has asked the attorney general whether it can require parental consent before children are referred to social service agencies or allowed into certain courses.

Even long-sacred programs, like federally funded meals for poor students, are under scrutiny. "These programs take the focus away from education," Pearson said. "These underprivileged people get food stamps. Why can't they pur-

chase food with food stamps and make their own breakfast for their own kids?"

• Turned down a request for a Head Start preschool class for 4-year-olds to operate on an elementary school's grounds. Conservative board members said older kids might pick on the youngsters. "I hate to see them go off to school so early," said Pearson. "I know there are some families where there is just mom and mom has to work, but there should be another solution."

"They want to censor certain books," said Phyllis Patten, one of the two members of the board minority. "They want to stop federal grants and the kind of sex education we have now."

"They talk about what school was like when they were there," said the other minority member, Sandra Green. "But life has changed. They don't understand that if a child comes to school hungry, you have to feed him or he won't be able to learn."

As yet, little has changed in district classrooms. But one high school biology teacher said he was considering teaching evolution differently.

Schools Superintendent Thomas Sanders said he hears more questions from principals about the suitability of library materials. A longstanding committee on sex education materials seems to have grown more vigilant, he said,

deleting parts of a documentary on AIDS.

A similar takeover was repulsed in the Klein Independent School District in Texas. There, candidate David Strawn, a former local CEE president, and Randy Templeton, whose views were similar to Strawn's, were defeated only after the incumbents managed to mobilize a record-high voter turnout with the support of some area ministers, who opposed Strawn's and Templeton's effort to pose as the official "Christian" candidates.

The campaign was a dirty one, however. There was even a mysterious letter from a fictitious Gay and Lesbian Caucus, praising the incumbent candidates for allegedly condoning free access to condoms and sex education in the fifth grade. At one point the school board felt compelled to issue a statement to set the factual record straight. Before the campaign, CEE had already made a mark in the district through efforts to ban John Steinbeck's *The Grapes of Wrath* and a Junior Great Books reading program.

In the last year, the national media has begun to track the efforts of CEE and other groups to target school boards. "This year's goal: 3,100 more school boards, as CEE marches toward its goal of taking over all 15,400 U.S. school boards," the *Wall Street Journal* reported on July 15, 1992. Reported in: *Miami Herald*, March 29; *TSTA Advocate*, April 1993. □

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libraries

San Ramon, California

A children's book author blasted as censorship attempts by a parent to remove one of his books from an elementary school library. Meg Kehrig, a resident of the exclusive Blackhawk community, said she asked to have *The Boy Who Lost His Face*, by Louis Sachar, removed from the library at Golden View Elementary School because of its profanity, frequent use of obscene gestures, and other inappropriate subject matter. Principal Joan Diamond refused to remove the book until the issue had been reviewed by the school's site council.

In a telephone interview, Sachar deplored the attempt to remove the book. "It's hard to try to keep calm because I find it so distasteful that a group of parents will try to tell every parent in a district or in a school what his or her child should read," Sachar said. "I don't think the majority of parents want their children's choice of literature dictated by someone like [Kehrig]. I just hope that parents won't stand for the censorship of what their children read."

Kehrig countered that the book violates the San Ramon Valley School District's selection criteria. "People keep alluding to censorship and free speech," she said. "The district's criteria is the only issue." Kehrig said she had received support from between twenty-five and thirty parents.

Sachar said that although the book is set in a junior high school, it is still appropriate for elementary school readers. He said he visited one elementary school in Ohio where the third-graders said they enjoyed the book. "They said they were surprised when I told them there were some places where people have tried to ban the book," the author said. "There are kids in elementary school who can read it, enjoy it and get inspired by it. But not every book is for every kid." Reported in: *Pleasanton Valley Times*, May 9.

Loveland, Colorado

A group of parents filed a written complaint with the school district on March 26 in an attempt to remove an unauthorized biography of pop star Madonna from the Loveland High School library.

Principal Howard Wenger, library media specialist Karen Medoff and two teachers began reading *Madonna — Unauthorized*, by Christopher Andersen, after a parent informally complained about it in January. The four told a group of parents in March that the book should remain in the library, but offered to reclassify it as reference material held behind the counter. The parents weren't satisfied.

The parents said they opposed the book as a whole, rather than any particular photograph or words. The book has some obscenities and sexual references, and one photo with Madonna posing topless. "If [students] need that book, it's at the public library," said Steve Gomez, whose wife, Kirlene, brought the original complaint. "Don't spend our tax money on it." Reported in: *Loveland Reporter-Herald*, March 25, 27.

Lake County, Florida

They are two of the most popular children's books in public and school libraries. But while young readers often view the poems in Shel Silverstein's *A Light in the Attic* and *Where the Sidewalk Ends* as silly, some adults charge they are unhealthy. That was the position of a group of Lake County parents, who asked that the books be removed from the Fruitland Park Elementary School library.

In a complaint filed at the school, parent Sherry Towne said she did not want teachers to read the poems to her third-grade daughter and wanted the books removed from the library. She charged that the poems in the books "promote disrespect, horror, violence."

Teachers disagreed. "Most children are able to tell the difference between something that is real and nonsense," said fifth grade teacher Susan Rixie. "To say they put ideas in a child's head that he is suicidal is nonsense and really irritates me."

But Linda Rozar, president of Concerned Citizens of Florida, supported Towne. "Anytime parents come forward, they have a legitimate concern," she said. "Since this is elementary school, let's keep the good, wholesome materials and leave out anything that is questionable or controversial."

But, commented eleven-year-old Cameron Collins: "This stuff just makes me laugh." Reported in: *Lake Sentinel*, May 13.

Melbourne, Florida

Elementary school students should not be reading a Florida author's book about growing up on a farm, say several Sherwood Elementary School parents who want the book removed from the library. *A Day No Pigs Would Die*, by Robert Newton Peck, contains profane, violent and sexually explicit material, said Susan Morton, whose two children attend the

school.

"It could leave a child with the impression that violence and rape are acceptable," said Morton, referring to a descriptive passage about a boar mating a sow in the barnyard. Morton, who filed a complaint with the principal, said a petition would be started to remove the book from the school library.

After receiving Morton's complaint, a nine-member committee of parents and teachers voted 7-2 to create a special library shelf for books considered more appropriate for children in sixth grade and above. Younger children can check out the books with a parent's consent. Reported in: *Florida Today*, March 27.

Crystal Lake, Illinois

An acclaimed children's book broaching the issue of homosexuality was removed from the library at Lundahl Junior High School in early March after a parent complained it was unfit for her sixth-grade daughter. A school review committee voted 3-2 to pull *Unlived Affections*, by George Shannon, despite finding that it had been acquired in accordance with selection policy, procedures and criteria.

"The committee read the book and felt it was inappropriate for that age group," school Superintendent Richard Bernotas said. "This is a common procedure for reviewing books that come into question."

Librarian Ellie Chaffee, a member of the review committee, objected vehemently to the removal. "I'm livid this happened," she said. "It's just not right." Reported in: *Northwest Herald*, March 4.

Schaumburg, Illinois

If Frost Junior High School students want to read the teenage romance *Forever*, by Judy Blume, they're going to have to find it somewhere other than their school library. Schaumburg Township Elementary District 54 officials voted February 25 to remove the book from library shelves.

Citing the Blume book as "inappropriate" for seventh and eighth-graders, the school board took fewer than thirty minutes to cast a unanimous vote for removal. The decision ended a four-month battle by Barbara Cross, whose daughter attends the school, to have the book removed (see *Newsletter*, May 1993, p. 70). Cross said the book, which she described as a "how-to" manual of sex, "contains sexually explicit lines."

Previously, Cross had taken her case to the school principal, a school committee, and a district committee, all of which declined to remove the book. But the school board thought differently. "I'm glad it's off the shelves," Cross proclaimed after the board vote. "It gives me confidence in the board; they realize this book is not appropriate for children."

"I find it difficult to understand why I am here this evening," said board member Pat Riley. "The first line in the

book should have told somebody this was a red flag and that it should be pulled from the shelf."

"We're not exercising censorship," added board member Carl Cox. "What we're saying is that it's not age-appropriate." Reported in: *Arlington Heights Daily Herald*, February 26.

Woodridge, Illinois

While other area libraries were embroiled in controversy over Madonna's book *Sex* and issues of *Playboy*, Woodridge Public Library Administrator Mary Sue Brown was grappling with a challenge to *Sleeping Beauty*. A patron asked that the Faerie Tale Theater video version of the Grimm Brothers tale be removed from the children's department, but not from the library, owing to one allegedly explicit sexual scene. The Faerie Tale Theater series uses sophisticated humor and prominent performers to make fairy tales enjoyable for parents, as well as children.

The controversial scene occurs when the Wicked Witch, portrayed by Bernadette Peters, pretends to be Sleeping Beauty. The Wicked Witch lures the prince into pulling off pearls from her dress with his teeth. Sleeping Beauty is fair and blonde and wears a high-necked dress. The witch, by contrast, has dark hair, heavy makeup and is draped in a low-cut gown.

Initially, the patron wanted the video removed from the library. However, after speaking with Brown and reviewing the video, she requested that it be moved to the adult section. She also suggested the placement of a cautionary label.

Brown told the patron that the library board would review her request. However, she added, "We are responsible for putting out a broad range of materials for young people, from infants to seventeen years. We hold parents responsible for deciding what kids can and cannot look at. The patron is concerned about her children and other people's children." Reported in: *Woodridge Progress*, February 25.

Hartford City, Indiana

The Blackford County School Board in mid-March agreed to withdraw all copies of *Guns and Ammo* magazine from the corporation's school libraries. Board member John Price said recent gun and knife incidents in the schools prompted the action.

"Due to the fact some strange things have been happening in the school system, especially in Montpelier in the last week, I think it would be a good idea if [Superintendent] Jerry [Wolfe] would go through the libraries and eliminate things like this," Price said. "We have a problem with guns and knives, and I think this promotes it. If we leave it in there, then we are part of the problem." All five board members agreed with Price's motion and ordered the magazine withdrawn. Reported in: *Muncie Star*, March 18.

Davenport, Iowa

Many, if not most, parents allow their children to read stories like "Little Red Riding Hood," "The Three Little Pigs," and Rudyard Kipling's *The Elephant's Child*. But Davenport parent Judith Wehrley says some of those stories may be as harmful as more modern media images, and she wants to clear school libraries of one of them.

Wehrley's initial effort to remove *The Elephant's Child* failed March 30 when the Davenport Community School District Reconsideration Committee voted 7-1 to retain the book. But Wehrley did not give up. She vowed to appeal to the school board.

The Elephant's Child, she said, is "99 percent" violent. Throughout the book, when the main character, an elephant child, asks a question, instead of answers, he receives a spanking. "Because a child was curious and determined, he was spanked for it," she said. "We want children to feel they can come forward and ask questions, but isn't this book promoting the opposite? There's so much violence in the world today. It's a very violent world out there, and times need to change." Reported in: *Quad City Times*, March 30, 31; *Rock Island Argus*, April 1.

Billings, Montana

Montana School District 2 trustees decided May 10, by a 4-2 vote with two members absent, to keep a controversial book in an elementary school library, but to place harsher restrictions on it than the school's library review committee had recommended. Board members said their action did not constitute censorship, because the book remains on the shelves. But others, including school librarian Kathy Carlson, disagreed, saying the action made the book essentially unavailable to pupils.

King Stork, an illustrated fairy tale by Howard Pyle, drew complaints from Cheri and Kenneth Brown and a group of parents from Sandstone Elementary School. The school's Media Review Committee reviewed the book and recommended that it remain in the library, but that children below the fourth grade not be allowed access to it. A disclaimer was also to be put in the book.

The Browns appealed the decision, and the board voted to keep the book in the library, but unavailable to children unless they have written permission from their parents to check out the book or to read it in the library.

The objections to the near hundred-year-old book included a scene in which a husband beat his witchy wife into submission and illustrations from the 1973 edition of a princess in revealing clothing. An objectionable carving of a nude couple apparently having sex in a small illustration of a witch's table was also discovered after the committee completed its review.

"Our committee reviewed the book with a fine-tooth comb and we did not see the artwork," said Sandstone principal Chere Ring. "And I was led to believe that dozens of parents had read that book before it came to the committee."

Librarian Carlson called the decisions of both the board and the committee censorship. She said the board had only heard one side of the issue, because policy allowed only two presentations, one by the complainant, Brown, and the other by a representative of the review committee. Carlson said she was unhappy that no proponent of the book was allowed to speak.

Carlson said she had communicated the controversy to the illustrator of the book, Trina Schart Hyman, who wrote that the objectionable carving in the table was from a real table in Kronberg Castle in Denmark.

"I hope your school board won't start hiding books from children," Hyman wrote. "There are good books and there are bad ones, and plenty of mediocre ones in between, and kids have to start somewhere to learn how to make their own choices and decisions. I honestly believe that *King Stork* deserves to be among those choices. All things considered, it's a pretty innocent book."

Carlson said she was considering asking for another hearing. "I would hope that another parent would feel their First Amendment rights have been abridged," she said. Reported in: *Billings Gazette*, May 11.

Boulder, Montana

A Boulder public librarian offered to resign after it was discovered that he removed books he apparently considered offensive, erased records of their existence, and disposed of them in a landfill. The story came to light during a Jefferson County Library Board meeting April 8 that ended with librarian Maurice Knutson offering to resign. Library board member Ellen Rae Thiel indicated that the resignation would be accepted.

A retired librarian with an M.L.S. and thirty years of experience, Knutson had worked at the Boulder Community Library for about a month, sharing the librarian's job with Cara Katzbeck. He said that he came to the job with a desire to improve the library. "You've got that beautiful building and the book collection is a mess," he told the board.

Others agreed, and in late March the library was closed for a week for inventory and reorganization. Knutson stayed at the library in a camper for the entire week to participate in the job. "Of course, along with the inventory, you weed," he said. It was Knutson's definition of "weeding," however, that upset some area residents, prompting cries of censorship and the librarian's resignation.

Library officials said they were still trying to figure out exactly how many books Knutson removed from the library. At least 88 volumes were removed in accordance with library policy on weedeable materials. Twelve other books that probably fit the policy were expunged. But an unknown number of works, mainly of fiction, described as being in three or four stacks approximately two feet high each, remained unaccounted for, and were apparently destroyed.

According to Katzbeck, most of the removed books fell into two general categories — parapsychology or true crimes.

Most of the parapsychology books had been checked out within the last two years, which meant they were ineligible for weeding.

"I felt there was an overemphasis on satanic witchcraft, mass murders and those kinds of things," Knutson admitted. "I was just trying to balance the collection."

Katzbeck said that Knutson had set a dangerous precedent. "As soon as we allow censorship of one person's opinions, someone else can censor our beliefs, our opinions, and our information," she said. "The danger of censorship is that once it gets a hold on a place, anyone's opinion can be censored. And the purpose of freedom of speech is to protect the minority opinions, not necessarily the opinions that are the most popular or the opinions of the majority." Reported in: *Montana Standard*, April 10.

Helena, Montana

On April 14, the Board of Trustees of the Lewis and Clark Library heard an appeal by "a number" of people that it reverse a decision by Library Director Debbie Schlesinger to keep *The New Joy of Gay Sex* in the library collection. About 35 people attended the meeting and were evenly divided about whether the book should remain one of the library's 112,000 titles.

The book became an issue after several patrons requested it be removed following its addition to the collection in January. Three librarians reviewed the book and unanimously recommended retention. Schlesinger accepted the recommendation and the patrons appealed to the board. Reported in: *Helena Independent-Record*, April 16.

Montclair, New Jersey

Montclair Public Library officials were pondering an upset father's demand that books with possibly offensive contents be labeled with warnings and kept in a limited access section. Library Director Michael Connell said he opposed any form of labeling as censorship, and the trustees showed no initial inclination to accept the proposal.

The request was made by Dan Nisivoccia, who said he was disturbed about the strong language in *Cold Shocks*, a collection of horror stories edited by Tim Sullivan, that his eleven-year-old son borrowed from the young adult collection. He said the book's "language was not conducive to a sixth grader." Books that are "riddled with profanities" should not be readily available to children, he said. Reported in: *Montclair Times*, April 1.

Tewksbury Township, New Jersey

The Headless Roommate and Other Tales of Terror, by Daniel Cohen, will continue to haunt the Old Turnpike School library's shelves, but after a parent's complaint, access to it will be restricted. In late March, the school board voted to accept the recommendation of an ad hoc committee that the book be restricted so that fourth and fifth graders could

not have access to it. The school spans the fourth through eighth grades.

Parent Susie Wort first objected to the book after several stories from it were read aloud to her son's fourth grade class by school librarian Anita Sawczuk.

"Terrifying the children with blood and gore and stories of violent murders — my son knew it was something we wouldn't allow. I find objectionable anything that is evil and bad and illegal, especially if it is portrayed in such a way that there are no consequences," she said.

Wort was especially disturbed by a story called "The Babysitter," in which a teenage girl is terrorized by threatening phone calls, finds her young charges murdered and, at the story's end, confronts the murderer.

Sawczuk said that most of the children in the class "loved the story and wanted more. I read it to the rest of the fourth grade and nobody else reacted. It's innocuous actually," she added. "The older kids are beyond this. By seventh or eighth grade, they're into Stephen King."

Board member Mary Rist said that the book should not be read to fourth- or fifth-graders, and that children should be required to seek parental permission to check it out. Reported in: *Hunterdon County Democrat*, April 1.

East Hampton, New York

"Where's Waldo?" Not in the Springs Public School library. Not anymore. Not since Kenneth Coleman, a fourth-grader, came home with the wildly popular *Where's Waldo* book and said, "Mom, look at this!"

"This" was a tiny drawing of a woman lying on the beach wearing a bikini bottom but no top, and being nudged in the back by a boy with an ice-cream cone. "She's jumping up and her breast is hanging out," said Shirley Coleman. "The man next to her has his tongue hanging out looking at her. There should be no nudity for children; none at all, as far as I'm concerned."

In the Waldo books, a series of humorous, complex illustrations by British illustrator Martin Handford, a bespectacled nerd named "Waldo" finds himself among complicated crowds of tiny characters. The gimmick is that children have to find him among the confusion.

After the Colemans complained, the Springs School District became the first school district in the country to take *Where's Waldo?* from its library. (The topless drawing caused a mild ripple in New Hampshire last fall, when a woman's complaint caused a few stores to pull a puzzle based on the book.)

"We were very surprised to find this, and a little disappointed, I guess," said Principal Peter Lisi. "This book is out of the library constantly and so many families have the book." Reported in: *Phoenix Gazette*, March 26.

Elizabethtown, North Carolina

A divided Bladen County Board of Commissioners directed the county librarian March 22 to put three controversial

children's books in the adult section "out of the reach of children." The three books — *Heather Has Two Mommies*, *Daddy's Roommate*, and *The Duke Who Outlawed Jellybeans* — had been targeted by the Bladen Christian Coalition because of their homosexual themes. In January, the library board voted 6-1 to shelve the books and deny a public hearing demanded by the Coalition (see *Newsletter*, May 1993, p. 71).

At a March 16 meeting between the library board and the commissioners, the commissioners asked the trustees to study the placement of controversial materials in the library and to make recommendations on changing the library's bylaws. The trustees later agreed to take the matter under consideration and to decide by May 20 where to place the books.

That did not satisfy commissioner Fred Bowen, who brought the matter up again and moved to order the library to shelve the books in the adult section. Board of Commissioners Vice Chair Delilah Blanks, called Bowen's motion "premature" and a violation of the library's bylaws. She offered a substitute motion that would have committed the commissioners to waiting for the library trustees' decision. Her motion was defeated by a 5-4 vote, and the board then approved Bowen's proposal by an identical margin. Reported in: *Fayetteville Observer-Times*, March 23.

Medina, Ohio

A Medina woman filed a police complaint in March against Medina city schools, claiming the district is pandering obscenity to its students. Joyce Kapui said she filed the complaint because school officials refused to remove from school libraries *Night Over Water*, by Ken Follett, which she claimed is too sexually explicit.

"I'm very concerned about this material," Kapui said. "I see it as pornography and obscene. No teenager should be reading this for school." Kapui, a French teacher, said she would continue to fight to get the book off the shelves.

Parent Shirley Walker asked the school board in January to ban the book and other parents joined her effort, which school officials resisted (see *Newsletter*, May 1993, p. 86). Police referred the Kapui's complaint to city Prosecutor John Lohn. Reported in: *Medina County Gazette*, March 18.

Grants Pass, Oregon

The Glendale School Board determined at its April 20 meeting that the school district had no guidelines in place for banning library books but voted to stand by its decision to remove the book *Horrorgami*, by Richard Saunders and Brian Macne, from the school libraries for its alleged "satanic" content. The board agreed to adopt a new policy for reviewing challenged library materials, but declined to put *Horrorgami* through that process.

"The board has the final authority to make those judgments and the board has made that decision on that book," said board chair Oris Beucler. Twenty Glendale teachers had

signed a petition appealing the decision to remove the book. The teachers contended that the board should have complied with established procedures for review of instructional materials. The board concluded, however, that the policy did not apply to library materials, but only to materials used directly in the classroom.

The board first voted to remove the book on March 9 at the request of a mother who read it when her daughter brought it home. The book is a craft book on origami, but incorporates stories about werewolves and vampires, and is allegedly illustrated with Satanic symbols. Reported in: *Grants Pass Daily Courier*, April 19, 21.

Horsham, Pennsylvania

A popular series of books for preschoolers by Harry Allard about a bizarre family of ridiculous people called "the Stupids" joined the list of banned books, at least briefly, in early March after a parent complained that they make parents look like boobs and undermine authority. Because of the complaint, Superintendent Gerald E. Strock moved *The Stupids Step Out* from one shelf in the elementary school libraries to another. Then he removed the book entirely, only to put it back again after he realized the decision should be made by the school board.

After the complaint was lodged, a committee reviewed the book and found it acceptable. But Strock had some misgivings and removed it. According to district policy, however, only the school board can reverse the committee recommendation. Reported in: *Montgomery County Record*, March 4.

Fairfax, Virginia

The Fairfax County Board of Supervisors, taking a stand against library officials, targeted a Washington, D.C., gay newspaper May 10, asking the Fairfax County Public Library to consider taking all free newspapers from library lobbies and putting them behind counters or on shelves so children won't be able to pick up copies. Bombarded by complaints that the county was promoting homosexuality, the supervisors urged the board of Virginia's largest library system to move the *Washington Blade* and other free publications to less visible locations.

"It advocates a lifestyle that mainstream Fairfax Countians are opposed to," Supervisor Ernest J. Berger (R-Dranesville), who made the proposal, said of the *Blade*. "In some cases, it solicits calls for immoral activities."

For months, supervisors had sidestepped the issue, deferring to the Library Board of Trustees, whose members are appointed by the Supervisors. In March, the library board voted 9-3 to continue to carry the newspaper in its noncirculating collection and 8-4 to uphold the practice of distributing free copies of the paper in lobbies of the system's twenty-two branches.

The newspaper had been part of the noncirculating

newspaper collection at four branches since 1985. In December, the library agreed to allow distribution of the newspaper, together with other free periodicals. Within two months, more than two hundred letters had been received calling for the paper's removal, although another hundred letters supported the paper's presence.

Following established procedure, a committee of librarians reviewed the paper in February and determined that it should be retained. In addition, the board agreed temporarily to allow individual branches more leeway in regulating the distribution of free publications (see *Newsletter*, May 1993, p. 81). In endorsing the committee's recommendation, Library Director Edwin S. Clay said, "The Library recognizes that materials which offend or shock one reader may be considered meaningful or significant by another."

"I'm very strongly for First Amendment rights," library board chair Phylis A. Salak told a March 24 hearing. "I don't think I can pick and choose whose First Amendment rights should be protected."

Angered by the library board's failure to move against the *Blade*, Berger finally forced the Supervisors to take a stand on the issue. Although they can rely on public pressure, the supervisors do not have formal power to reverse the library board. "This is a very easy political statement to make," commented Salak. "We did consider it. And the bottom line is, we're doing the best we can."

Most often cited by those who complained about the newspaper were its personal ads. Coincident with the Supervisors' vote, *Blade* publisher Don Michaels announced that both explicit commercial and all personal advertising was being moved to a separate section that is not to be included in copies distributed at the library branches. The newspaper has also stopped running back cover ads with half-nude men in suggestive poses; these have been replaced with ads for Crown Books.

"The Fairfax County library dispute only heightened the resolve to do it," Michaels explained, "but there were other marketing reasons to do it. A lot of our readers are sensitive as to what their mom and pop would see on their coffee table, and they've been pushing us to do that for a while."

Nonetheless, Michaels condemned the Supervisors' vote as an attack on gays. "It's a cowardly attempt to tear down the First Amendment rights of a whole bunch of newspapers to get at us," he said. "These religious zealots will stop at nothing."

The Supervisors' vote was unanimous, although one Democratic supervisor believed to support the library board was absent. Other Democrats on the board successfully watered down the resolution's wording. For instance, instead of directly asking the library board to move the publications, the amended motion asked it to "consider" moving them.

The Supervisors' request covered all free, nongovernment publications, an effort to avoid a lawsuit by the *Blade*. Representatives of the other publications were upset that readers might find it more difficult to obtain their papers.

But Berger said that "legally, this is the only way to deal with this issue. I would hope the other publications would understand." Reported in: *Washington Post*, March 25, May 11; *Washington Times*, March 25, May 11.

Fairfax, Virginia

Some Fairfax County parents are demanding that a novel be removed from elementary school libraries because its young black hero, a slave, questions his own intelligence, refers to himself as a "nigger" and is called that by other characters. *Jump Ship to Freedom*, by James Lincoln Collier and Christopher Collier, is the story of young Daniel Arabus, a slave in Connecticut in 1787, who is trying to retrieve money owed to his family.

After a black sixth-grader at Fairview Elementary School in Fairfax Station read the first few pages of the book, he went to his teacher and said he was offended by the assumption in the book that blacks were inferior. The book opens with a scene in which Daniel is devising a scheme to slip into his owner's room and get the money, but the door squeaks. He thinks that he should have greased the hinges and figures "a white boy would have. But I was black and wasn't as smart as white folks."

"The student was reading the book on his own and objected to it," said Nancy Sprague, assistant superintendent for instruction. "He had read the beginning of the book, and the use of the word 'nigger' and the social assumption in the beginning of the book that blacks were an inferior race offended him. But if you read the whole book, the boy rises above the social messages and affirms his own worth."

The novel was included on a list of books that students could read about the American Revolution. It was not required reading.

After the student raised the issue, a group that included the principal, some teachers and some parents challenged the use of the book in libraries. Then, in January, parents filed a complaint saying that "the book presented a derogatory, degrading and humiliating image for African American children."

"I think it's a lousy book to be given to fourth-, fifth- and sixth-graders, because I don't think they are competent to separate the language from what they hear now," said Donald Grant, chair of the legal redress committee for the Fairfax County NAACP. "Without very careful teaching from very, very early ages, these kinds of books for children that age can only reinforce stereotypes."

The book's authors included a note in the back of the book on their use of the derogatory "nigger:"

"We had to consider very carefully our use of the word *nigger*. This term is offensive to modern readers, and we certainly do not intend to be insulting. But it was commonly used in America right into the twentieth century, and it would have been a distortion of history to avoid its use entirely. In addition to historical accuracy, it was important to use

the word to show how Daniel learned self-respect and developed self-confidence."

Linda Hunt, coordinator of library and information services for Fairfax schools, said that the "book depicts the way things were, not the way things should be. That has caused the problem. But if we start removing all historical fiction because we don't like the way things were, we might end up with very little in our libraries." Reported in: *Washington Post*, May 18.

Goldendale, Washington

On April 19, the Goldendale City Council heard an appeal by a group of citizens who asked the council to pressure the Fort Vancouver Regional Library to establish more restrictive criteria for sexually explicit material. Specifically, group representative Jeff Graham called for the removal of the book *Gay Sex: A Manual for Men Who Love Men*. Graham said his group had already asked the library to reconsider the book.

"We're concerned about the health, safety and welfare of our children and our grandchildren," Graham said. "Think of the impact this book could have in our area." The council said it would take no stand on the issue. Reported in: *Goldendale Sentinel*, April 22.

Marysville, Washington

When eight-year-old Matt Moses found a book containing the lyrics of popular rap songs at the Marysville Public Library in March, he knew it would help the lip sync act that he and his friends had been practicing. Moses checked out *RAP, The Lyrics* and took it home. But the lyrics to Slick Rick's "Treat Her Like a Prostitute" and 2 Live Crew's "Me So Horny" were not quite what he expected.

"He brought the book to us," said Matt's father, Jeff Moses, as he told the story to the Marysville City Council April 5. "He knew it was something that didn't belong in our house." Some of the lyrics contain "really raunchy language and some violent sexual overtones," Moses said. "I think it's just disgusting. I'm steaming. I'm mad. This is not something that children should be reading. We thought the library was a safe place to send our child. We no longer think that."

"We don't want to be labeled book burners or censors," Moses continued. "I just don't understand how an eight-year-old can go in and check something like that out. It's beyond my comprehension. Whether it should be in or out of a library is irrelevant. The question is: should it be in an eight-year-old's hands?"

Moses requested that the Sno-Isle Regional Library consider adding a parental advisory label to the book. "I'm not trying to impose my own values, but I do hope a neutral label such as 'parental advisory' will help facilitate parental rights," Moses said. "I'm not asking that it be removed." Moses also asked the city council to support the labeling proposal.

While City Attorney Grant Weed cautioned that "the city council is not authorized to dictate what is and what is not on the shelves in the library," some members of the council endorsed the idea. Mayor Dave Weiser said he would write a letter to the library supporting Moses.

Labeling offensive material has been a subject of controversy in the Sno-Isle Regional Library system. In March, library board member Stan Schaefer resigned, saying he had lost hope in the system. Schaefer led a successful fight to take a rap music tape off the shelves last year. But the tape was returned after three new library board members were appointed and a second vote was taken (see *Newsletter*, September 1992, p. 139; January 1993, p. 28).

Sno-Isle Library Director Tom Mayer said it is the library's policy not to label any books. Parents are sent letters when their children apply for a library card, however, explaining the library's policy on allowing everyone access to all the books and encouraging them to be involved in what their children are reading.

"We try to be very up front about the fact that some of the material may not be suitable for children," Mayer said. "It's a serious matter, one that I would not like to see rushed. One thing we learned a year ago is not to make decisions when emotions are running high." Reported in: *Marysville Globe*, April 7; *Everett Herald*, April 6.

Othello, Washington

A citizens' group protesting a book they believed promotes "violent criminal and deviant behavior" petitioned the Othello School Board to overrule an earlier decision to leave the book in local elementary school libraries. Noemi Ortega said a petition containing over five hundred signatures was submitted to the school board, requesting that *Halloween ABC*, by Eve Merriam, be removed from school libraries. Group members called the volume of children's verse and illustrations "satanic."

Superintendent Dennis Carter had ruled April 21 that the book would remain on the shelves. Earlier, the Othello School District's instructional materials committee, on which Ortega serves as a citizen representative, reviewed the complaint and could not agree on a recommendation. Two committee members recommended removing the book, two others said access to it should be restricted, and three were against removal or restriction.

The book uses letters of the alphabet as the basis for poems and illustrations relating to Halloween. Some parents objected to it due to references to demons, the devil, a murder weapon and other subjects.

In a statement, the citizens' group appealing the decision said it wanted "our children to have available the very best of many kinds of books. 'Many kinds' does not include books which have negative values for our children," however.

"In our community," the statement continued, "there is a growing concern about the rising crime, gang activities and

violence among children. Most parents do not want to encourage these by giving our children books which cause them to admire crime and violence."

Superintendent Carter, who relied on the U.S. Supreme Court's 1982 *Pico* decision, urged parents "to monitor their children's reading activities, and librarians to make every reasonable effort to cooperate with parents in this regard."

"The problem is that there is a great diversity among people as to what is the appropriate decision on any given book," Carter said. "The book that one person finds highly objectionable will be found to be good reading to another person." Reported in: *Othello Outlook*, April 7, 28, May 5.

Spokane, Washington

The Spokane Library Board agreed to reconsider whether to keep pop star Madonna's book *Sex* in its collection because of complaints about its explicit content. Since the library bought the book last fall, 208 people signed up to use it on a non-circulating basis. More than seventy people wrote letters objecting to its presence, and seventeen filed formal requests for its reconsideration. Shortly after *Sex* was first made available in November, someone cut all of the sexually explicit photographs out of the book, and the library bought another copy. Reported in: *Vancouver Columbian*, April 29.

Beloit, Wisconsin

Madonna's controversial picture book *Sex* does not belong in the Beloit library, and especially should not be loaned to children, a group of about a hundred churchgoers told the Beloit City Council April 5. The group urged the council to pressure the library board to remove the book or at least to place age restrictions on its circulation.

Previously, the Beloit Public Library resisted pressure from the council to restrict access to the book. The council had voiced its opposition to the book in February and voted on a motion to alter the way the library could spend some of its funds. That vote failed, however.

Council president Everett Haskell said council members had told the library board that Beloit residents were "100 percent opposed" to the Madonna book. But the library board has stood firm, saying it would be unwise to change the policy of providing any book to all ages for just one title. "Anytime you give in to outside pressure, you are caving in to political pressure," said library board member Sarajane Crave.

"Parents should be exercising their parental responsibility to stop their children from accessing something they don't want their children to have," Crave said. "The library staff can't take on parental responsibilities." Library officials have told the council, however, that the waiting list of adults is so long that the book will probably not be available for some time. The library's sole copy was purchased with private funds.

"I don't want you to lose faith in the library," Haskell told the crowd at the council meeting. "I'm sure Mr. Kelley

the city manager] will do what has to be done." Reported in: *Beloit City News*, March 4, April 6; *Janesville Gazette*, April 6.

Eau Claire, Wisconsin

The mother of an Eau Claire public school student asked in late April that a book explaining AIDS and how the disease is spread be removed from all libraries in the school district. Louise Vickery said diagrams and information about putting on condoms in *100 Questions and Answers About AIDS*, by Michael Thomas Ford, encourages sexual activity.

"I believe that if this information is available to students at this level it will entice the curiosity of an already hormonally active and immature child," said Vickery, the mother of a middle school student. "Children in the sixth, seventh and eighth grades do not need to know this information."

Vickery also charged that the book does not make a clear-cut statement that use of intravenous drugs is wrong. "Much time and effort has gone into teaching children to say no to drugs," she said. "This message is not being given in this book."

The book was given to a reconsideration committee for review and public testimony. It was included on an ALA list of "Best Books for Young Adults for 1993."

Vickery's was the fourth book removal request in the Eau Claire schools in the past three years, including an attempt to remove *Changing Bodies*, *Changing Lives* for its discussion of AIDS. All three previous requests were denied. Before 1990, the last book removal request in the district was in 1977. Reported in: *Eau Claire Leader Telegram*, May 6; *Milwaukee Sentinel*, May 6.

Rib Lake, Wisconsin

Two separate censorship incidents rocked the Rib Lake schools this spring. In the first incident, a review committee voted 7-4 March 29 to ask the school board to remove *Forever*, by Judy Blume, from high school libraries. In the second incident, a middle school principal and librarian accused each other of censoring magazines in the library.

The *Forever* dispute began after Superintendent Ray Parks filed a "request for reconsideration" because he found the book "sexually explicit." The book was brought to his attention by Principal Paul Peterson. Some parents began referring to the controversy as "Blumegate," because the review committee was assembled by Peterson and most assumed it would be stacked against the book. In addition, Peterson failed to follow district procedure when he confiscated *Forever* from a high school senior March 2.

"The procedure is to file a complaint," said parent Judy Marchke. "They removed the book from the student and never returned it. We're calling it 'Blumegate' because it's a big cover-up and now they're backing up to form a committee, but it's all in hindsight."

Both Middle School Principal Dan Boxx and district librarian Ruth Dishnow served on the review committee, with Boxx voting with the majority to recommend removal and Dishnow voting to retain the book. Soon after the committee decision, the second controversy began between the two former committee members. Boxx accused Dishnow of tearing articles perceived to be "objectionable" from magazines such as *Seventeen*, *Teen*, and *Sports Illustrated*. Dishnow said Boxx was the one removing the articles.

"Yes, Mr. Boxx and I discussed the magazines," Dishnow acknowledged. "Mr. Boxx said he would take full responsibility for removing articles from the magazines. I told him I was extremely uncomfortable with that situation, but I agreed that some of the articles are pretty suggestive and we do have sixth-graders at the middle school. He was usually removing any articles dealing with sex. An article about the Eau Claire homecoming queen was removed. The swimsuit edition of *Sports Illustrated* was never brought to the library."

The controversy began when several district residents contacted a local newspaper to report that articles were being removed from the magazines. "This is getting to be too much," said Mary Carlson, whose daughter is a high school senior. "I think people are taking liberties that haven't been sanctioned. I'm tired of people thinking that religion and morals are tied together — of a group of people who think that those who are affiliated with a given religion have dibs on morals." Reported in: *Wausau Daily Herald*, March 6, 8, 9, 30, 31, April 24.

schools

Birmingham, Alabama

Franco Zeffirelli's 1968 film of Shakespeare's *Romeo and Juliet* is, of course, a film about young love. But students in Shelby County won't be able to see it any more because the Shelby County Board of Education ordered it removed from classroom use after it was shown to an eighth-grade class at Calera Middle/High School. *Romeo and Juliet* is rated PG.

The decision came after the mother of one student complained because of a brief scene with nudity. Rebecca Nail, director of instruction for the board, said she decided to remove the film. "Had it not been for the nudity it would not have been a problem," Nail said. "But because of the nudity, it was inappropriate for middle and high school students."

Abe Fawal, a professor of film and literature at the University of Alabama, said that removing the film constituted censorship. "I am opposed to excessive nudity and violence," Fawal said. "But I am also opposed to censorship. In 1968, the movie created a ripple of controversy. But we are talking about 1993 and the climate of the nation is different."

Fawal said that he has shown the film to his classes and said the nude scene lasts no more than a few seconds. "In the context of young lovers, it did not seem offensive because they are married at that point. It was not illicit love." Reported in: *Birmingham Post-Herald*, May 7.

Liberty, Indiana

The book *The Upstairs Room*, by Johanna Reiss, will no longer be required reading for fourth graders at Liberty Elementary School, the Union County School Board announced March 9. The board voted unanimously to accept the recommendation of the Library Censorship Committee, which was to keep the book in the school library for use by teachers, but eliminate it as a required text.

The book, a Newberry Honor Book about a girl in Holland hiding from the Nazis during World War II, was investigated because of profanity. Superintendent Todd Rudnick said the book was "a quality piece of historical literature" but had excessive profanity. The committee recommended that teachers wishing to use the book for their classes read aloud from it and paraphrase parts containing profanity. The book had been required reading for a high-level reading group in the fourth grade. Reported in: *Liberty Herald*, March 11.

Davenport, Iowa

The father of a Bettendorf High School student urged the school board March 30 to ignore a committee recommendation to continue use of the book *Being There*, by Jerzy Kosinski. Richard Davis said the book is pornographic because of a description of masturbation. He asked the district to bar use of the book, which was required reading in a senior advanced English course in which his daughter was enrolled.

"What occurred could be considered sexual harassment," Davis said. "She was required to read something pornographic by an older adult male in authority over her."

The nine-member reconsideration committee, composed of staff, parents and a student, recommended the board take no action to remove the book. "The committee feels it has objectively balanced the rights of students and parents with the instructional objectives of the material," said Assistant Superintendent John Perdue. Reported in: *Quad City Times*, March 31.

Oskaloosa, Kansas

A new policy in Oskaloosa schools essentially will act to censor the materials teachers use in their classrooms, according to the representative of the district's curriculum committee. The Oskaloosa school board voted 4-3 May 10 to enact a new policy that requires teachers to examine their required material for profanities. They will list each profanity and the number of times it was used in the book, and forward the list to parents, who will be asked to give written permission for their children to read the material. Teachers

also must provide alternate materials for students who don't return the permission slips or whose parents don't approve the original materials.

"The curriculum committee and, I would say, teachers as a unified group don't believe this policy is workable and don't support this policy," said curriculum committee chair Jack Krebs. Krebs noted that the policy does not define profanity or list words to be targeted.

"Teachers just cannot be in the position to determine what constitutes objectionable language," he continued. "For all practical purposes, the restrictions of the policy are going to force teachers to give up those pieces of literature. The practical effect would be to censor out books that would be objectionable to any contingent of parents."

Paul Reed, board member and pastor of the First Southern Baptist Church, introduced the policy after taking offense to a book used in the fifth grade curriculum, *Bridge to Tarabithia*, by Katherine Paterson. Reed denied that the policy would lead to censorship. "We've not told anyone that they can't use a book" he said. "There's no provision in the policy that calls for the removal of any specific books." Reported in: *Lawrence Journal-World*, May 12; *Oskaloosa Independent*, May 13.

Montgomery County, Maryland

Secrets, a videotaped play used to teach high school students about sex and drugs, makes no secret of graphic sexual practices but is silent on abstinence, say parents upset by the program. Some have asked the county school board to require parental approval before students can see the play. That would be little comfort to members of Citizens Acting for Responsible Education (CARE), who say the play should be banned entirely.

"I do believe sex education is needed in the school curriculum but it must be taught in a manner that makes clear that abstinence is the expected behavior," said Bunny Galladora.

Board members defended the play, however, saying it was not so graphic as opponents charged and does not promote sexual activity. "This group [CARE] is one that is against any sex education for children in schools," said board member Alan Cheung. "This video is from Kaiser Permanente, public health professionals. We think it's very appropriate."

CARE first took the issue to the board in March. In April, the matter was turned over to an advisory committee. That did not calm CARE, however, which charged that the committee was stacked because its members included a homosexual, an AIDS counselor, and specialists on sexually transmitted diseases.

"They want to desensitize our children to sexual realities," said Deborah Kratovil. "We think the board has delegated its responsibility to the Citizens Advisory Committee, which continually kicks the parents in the face."

The committee's suggestion that parents be required to give

written permission before their children see *Secrets* was dismissed by the protesters as unrealistic. "Parents all over the county who object to this course are told they have two options: Give their written permission for their child to take this course or have them put into the library, be embarrassed and learn the information incorrectly secondhand from others at the lunch time," said Galladora. Reported in: *Washington Times*, May 17.

Worcester, Massachusetts

Some students at North High School April 28 said they had been pressured to delete portions of a Malcolm X interview from a dance presentation they had planned for the school's Cultural Extravaganza Festival. According to eleventh-grader Carmelita Waller, school officials objected to her and seven other members of the African-American Club using a tape that had Malcolm X saying, "the price of freedom is death."

Waller said both Miquel Almestica, who coordinates the school's multicultural education program, and Principal Robert J. Boule objected to the statement. Waller said Almestica told her some people might find the sentence too militant. She said Boule told her he did not believe the price of freedom is death, and the students would not be able to perform unless they dropped the sentence from their accompanying sound track.

Superintendent John E. Durkin said he had not heard the tape, but supported the decision. "We are responsible for what happens in the schools and that is why we have adult advisers who make decisions on what is appropriate and what is not," he said.

But Erick S. Maxwell, an attorney with the Civil Liberties Union of Massachusetts, said the ban was "an attempt to censor a pure idea. They are asking the students to delete the line, because they do not believe the idea is correct," he said. "That is a complete violation of the First Amendment." Reported in: *Worcester Telegram & Gazette*, April 29.

Apple Valley, Minnesota

Daddy's Roommate, the controversial children's book about a gay parent by Michael Willhoite, has caused an uproar in the Rosemount-Apple Valley-Eagan School District. Some parents and one candidate for the school board told the board in mid-May that they are upset that a first grade teacher in Apple Valley read the book aloud to his class. Teacher Bruce Johnson, responding to a question in a second-grade classroom, also told pupils that a popular children's author is gay.

"I'm very upset about an incident at Cedar Park [Elementary School] presenting homosexual lifestyles as normal and acceptable in our classrooms," said Peter Twedten, whose son is in the class. "This is a moral issue and I will not allow this to be taught to my kids at school. I can't tell you how

angry it makes me.”

Superintendent R.J. Rehwaldt said that reading the book was not consistent with the district’s curriculum, which doesn’t discuss homosexuality in any grade. The book was read on March 26. Johnson conferred with administrators several days later and was told the book was inappropriate and that the reading could not be repeated. Johnson agreed.

The teacher’s defenders questioned the timing of the complaints, which surfaced at the school board meeting nearly two months after the incident but just a week before the board election. The school site council discussed the issue and, although there were differences over whether the book should have been read, all supported the teacher, said council President Mary Kreger.

Johnson is a “wonderful, gentle man who is a twenty-year veteran” teacher who should be judged on his entire career, said Laura Neudecke, whose son is in Johnson’s class. “Being read one story is not going to turn my son gay,” she added. Reported in: *St. Paul Pioneer Press*, May 15.

Columbus, Mississippi

Lowndes County school administrators in early March temporarily banned a book by inaugural poet Maya Angelou from Caledonia Middle School on the grounds it is too sexually explicit to be read by children. “We’re not passing judgment on the book, the author or anything like that,” Superintendent Tommie Smith said. “In the opinion of administrators, the book was sexually explicit in places and not appropriate for seventh- and eighth-grade students.”

The book, *I Know Why the Caged Bird Sings*, was being used in seventh grade classes by teacher Linda Gillespie. Smith said the ban would be temporary until a committee of community residents could be established to review the book. Reported in: *Jackson Clarion-Ledger*, March 6.

Webster Groves, Missouri

A modernistic mural with religious symbols generated controversy this spring at Webster Groves High School over the free speech rights of student artists. The disagreement divided departments, sparked student and faculty petitions, inspired sharply worded letters to the school newspaper and led to in-school field trips where entire classes visited the mural and discussed it.

The controversy began in April when the chair of the social studies department, Bud Webb, objected to the mural, saying it was “insensitive to the religious-minded” and approached “religion in an incorrect manner.” Art students painted the mural on the wall of a corridor as part of a school beautification project. They patterned it after the work of Keith Haring, a New York subway graffiti artist who died of AIDS.

The mural contains six, faceless human forms outlined in white on a black background. Each form has a religious symbol sketched on it — a cross, a star of David, a crescent, a yin-yang symbol, etc.

“It took us away from the traditional George Washingtons,” said senior Stacey Thalden. The religious symbols, she said, were used to depict the common humanity of the world’s religions.

After Webb protested that the Art Department had not consulted the Social Studies Department, near which the mural is located, art teacher Marilynne Bradley agreed to accept suggestions for an additional work but refused to block the disputed mural. Eight of the nine social studies teachers then petitioned the principal to stop the mural.

Students responded by circulating their own petitions in support of the mural. On April 28, students and faculty met to resolve the dispute and reached a compromise — the religious symbols would be painted over, but the figures would remain. The compromise soon fell apart, however, as the student artists and Bradley objected to it.

Webb offered several objections to the mural, including incorrect placement of the Islamic crescent and Taoist yin-yang, and the exclusion of such religions as Hinduism. More central, however, was his contention that “religious people of various faiths may feel that the work is offensive and sacrilegious. The playful and childlike figures may cause the religious to feel that whoever put the mural together was totally insensitive.”

The students and Bradley have countered that the issue is one of free expression. One English teacher agreed. A letter to the school newspaper called Webb’s response censorship, adding, “What a wonderful lesson for our student body from the folks whose responsibility it is to teach us about the Constitution and freedom of expression.” Reported in: *St. Louis Post-Dispatch*, May 13.

Syracuse, New York

On March 25, some anonymous students at Solvay High School sent photocopies of poems called “The Pope’s Penis” and “who gives a good flying ----” to parents of seniors in teacher Karen Notcher’s two English classes. Also included in the mailing was a three-paragraph excerpt from a book describing an oral sex act.

“These are poems and excerpts (sic) from books that are available and SUGGESTED in Karen Notcher’s English class,” the anonymous note declared. “Are these poems proper? Disgusting? Needed to further your son/daughters (sic) education?”

“The Pope’s Penis” is from a poetry collection by Sharon Olds, titled *The Gold Cell*. The other poem is from the writings of Safiya Henderson-Holmes, an award-winning professor at Syracuse University. The paragraph on oral sex is from *The Matter of Life*, by J. California Cooper. Those books were on bookshelves in Notcher’s classroom with hundreds of other, more traditional works. They were removed by school officials after the controversy began.

Notcher and her supporters said the poems are not taught in class but are available for supplementary reading. But

school officials noted that not all the materials made available by Notcher had been approved in accordance with district policy.

"I think it's a serious issue," said Principal Robert O'Donnell. "The teacher is accountable for material in the room. I've had parents call me and rightly so. The materials are not part of the curriculum and not assigned." O'Donnell acknowledged, however, that a teacher does have freedom to include supplementary material.

Four years ago, sixteen teachers complained to the district about Notcher. One complaint was that classroom "material is often inappropriate for high school students."

"My concern is who picks the curriculum?" commented parent Christine Czerow. "Why isn't someone checking what's being used? I want to know why she has those books and other teachers don't."

But other parents and some students supported the teacher. "She knows how to teach English," said Dolores Pinkes, three of whose five children had Notcher as a teacher. "I don't like the stuff. But what's a big deal about a few words taken out of context?"

"It's one of the best classes I've had in high school," declared senior Joe Acquisto. He said he had never seen nor heard about the poems before the mailing. Reported in: *Syracuse Herald-Journal*, April 8.

Mount Pleasant, North Carolina

Threatened with legal action if they went ahead with a censored version of the Broadway musical *A Chorus Line*, officials at Mount Pleasant High School canceled the show April 28, the day before it was to open.

Time Out Youth, a Charlotte-based support group for gay youth, first raised questions about the production. The group charged that the school had endorsed discrimination by dropping the key character of Paul, who is gay, from the show. In addition to leaving out Paul, school officials said another homosexual character, coarse language and a song extolling breast implants were also dropped as "not appropriate for our community."

Getting wind of the controversy, Tams-Whitmark Music Publishing Co. of New York told the school that dropping the character and making the other changes violated the terms of the contract allowing the school to produce the show. The company threatened a lawsuit and restraining order if the show was performed in a censored version.

Principal Judy Misenheimer said she approved the play only after drama teacher Joy Cook agreed to leave out the homosexual characters and other sexual references. "We don't want to be an advocate for abnormal sexual roles, and I don't believe a play is the place to take up the issue," Misenheimer said. "Maybe in a classroom discussion, but not in a play."

Cook said she chose the musical because it offered a chance to showcase the school's many good dancers. "I can see it

from both sides," she said. "I have no problem with homosexuals. But I think it's important to know our community and what they'll tolerate."

Tonda Taylor, executive director of Time Out Youth, said the group never wanted the show canceled. "We wanted the gay characters put back in," she said. "They should have never been taken out. The school officials didn't learn until all of this happened that Michael Bennett, who wrote *A Chorus Line*, based the character Paul on his own life."

"The real issue is persecution of gay and lesbian youths," Taylor added. "There are gay and lesbian students out there. It denies information to them, leaves them without heroes or heroines and leaves them with a terrible sense of isolation. It's like saying these people don't exist." Reported in: *Charlotte Observer*, April 23, 29.

Columbus, Ohio

The mother of a high school student asked the Columbus Board of Education March 16 to remove prize-winning black writer Toni Morrison's *Song of Solomon* from high school reading lists. Patricia Grey said she was furious when her daughter, a sophomore at Walnut Ridge High School, started reading the book, which was on a reading list. "By whose standard is this appropriate? I don't see where it has any educational value," Grey said.

Grey, who is white, said the book contains language degrading to blacks, and the book is sexually explicit. She showed board members excerpts from the book. After perusing Grey's excerpts, board member Bill Moss agreed that the book should go. "Garbage is garbage," Moss said. "If this was recommended for children to read in the school system, I have to agree, it's pretty horrible stuff," Board member Myrl H. Shoemaker agreed.

Other board members were less responsive, however. Mary Jo Kilroy said the book puts readers "in the position of having to find out what it's like" to live in a world of racism and violence. "The issue that you don't want anybody's child to have access to this bothers me," Kilroy told Grey.

The board directed Gene Harris, assistant for curriculum, to meet with Grey and the teacher who assigned the book, but the board took no action of its own. Harris met with Grey on March 26, after which board president Bob Teater said the district should review its instructional materials policy before taking any action. "I don't think we can look at this one book without looking at our policy," he said.

Board member Rich Fahey joined Teater in warning against quick judgment. Fahey said he had not read the book and criticized those who judged it on the basis of Grey's excerpts alone. "It was just a knee-jerk response. Before I make a judgment, I want to know all the background," Fahey said. "It's easy to find books and excerpts that make people upset. We have to be very careful when we get into censorship." Reported in: *Columbus Dispatch*, March 17, 18; *German Village Gazette*, April 8.

Columbus, Ohio

When the Players Youth Theatre performed *The Lion, the Witch, and the Wardrobe*, a play based on the first volume of Catholic author C.S. Lewis's classic series of children's books, the Chronicles of Narnia, widely interpreted as a Christian allegory, promotional materials were distributed through school districts in the Columbus area. But the school district in suburban Hilliard refused to handle the literature.

According to Doreen Dunn, Players Youth Theatre outreach and education director, the company received a call from Hilliard Assistant Superintendent Connie Conaway in January, informing it that the flyer could not be distributed. "We were told that the board of education wanted to protect themselves against parents who might object to the word 'witch' being in the title," Dunn said. Hilliard was the only district in Columbus to take such action.

When informed that the district had kept the flyer from distribution, Hilliard board President Chuck Buck said, "That's news to me. I've regularly said that the board of education should not be involved in being the thought police."

Board member Donna Swenson agreed. "I was never asked, never heard anything about it," she said. "I support Players Theater and their children's programs. They offer kids something that we can't."

Speaking on behalf of Conaway, Hilliard Community Relations Director Cheryl Best said "a number of factors were involved" in the decision. One factor was the volume of materials for distribution received by the schools. Best confirmed, however, that the principal factor was the potentially controversial nature of the word "witch."

"She made the decision that this could be controversial," said Best. "And she felt it was in the best interest of the school district not to promote it at that time." Reported in: *Hilliard Northwest News*, April 21.

Erie, Pennsylvania

Since 1988, students have been reading all about apes in *Gorillas in the Mist*, by naturalist Dian Fossey. But they have not been reading about their sexual habits. Teachers at Westlake Middle School, using felt-tip pens, have blacked out passages pertaining to masturbation and mating.

At a Millcreek School District meeting May 3, administrators refused a second request by a parent to stop censorship of the book or to stop teaching from it entirely. The book is taught to eighth grade honors students.

Signe Prior, who saw the censored version of the book when it was assigned to her son, said she was appalled by the black-out passages. "I thought, 'What country do we live in?'" she said. Prior said the actions of the teachers tell students that censorship is acceptable.

Westlake Principal Joseph Cuzzola said he permitted the teachers to excise the passages after considering the potential concerns of parents. "You're always walking a tightrope," he said. "We came down on the better side of

caution. We wanted to convey the importance of the work, and at the same time, not offend anyone.

One excised passage read: "Pantsy began spending less time with her mother when, toward the end of her seventh year, she began showing cyclical regularity. Among adolescent female gorillas, initial perineal swellings varied in onset from six years five months to an estimated eight years eleven months for eleven females, the average being seven years."

"I hope they don't take these kids to the zoo on a warm spring day because they are going to see it," commented Rich Block, director of the Dian Fossey Gorilla Fund in Colorado. "They are going to see the animals interacting." Reported in: *Philadelphia Daily News*, May 5.

Buckhannon, West Virginia

At a packed meeting March 2, teachers and others appealed to the Upshur County Board of Education to overturn a decision to remove *Go Ask Alice* from an English class at Buckhannon-Upshur High School. Following an initial complaint in February by parents Sharon and Donnie Bowen of French Creek about graphic language in the book, Superintendent Lynn Westfall directed vice principal Scott King to collect all copies. "The book will not be used as a reading assignment," Westfall said.

Dauna Harpold-Hawkins, the teacher who had assigned the book, told the board that she opted not to use traditional literature due to the low reading level of many of the students. "My vocational students come from diverse backgrounds," she said. "I have kids that have been in and out of drug rehabilitation, kids that have been abused. Many young mothers are in my class. I also have students from some of the finest homes in the county, and my students have many different ability levels."

"*Go Ask Alice* really speaks to adolescents," Harpold-Hawkins said. "It's a diary of a drug addict. Kids listen to people 'who have been there.' Drug addiction is not pretty. It's not fun. Alice dies. The book does not glorify drugs." The book is on a junior high recommended reading list for "reluctant readers," Harpold-Hawkins said. "Kids ask for this book," she noted.

In fact, some students began a petition drive to get the book reinstated. "I'm against censorship. They start with *Go Ask Alice* and they go on to *Catcher in the Rye* and take all the good books," said junior Matt Haas. "I think it should be back in the curriculum. I've read the book, and there are some things in it that are objectionable. But I've read worse things."

"A lot of kids won't read any books at all. This book gets them motivated," added senior Molly Riffle, a petition drive organizer. "I understand taking it away from one child, but I don't think one parent should run the whole class."

Opponents of the book focused on its profane language. "I suggest that you respect the Christians of Upshur County who find profanity offensive," said one resident. "Keep profanity out of our schools."

The issue was left undecided after Superintendent Westfall indicated that an effort was underway to develop a new procedure. "We have put this conflict behind us now and are working in a very positive way to get some type of procedures to prevent this kind of thing from happening in the future," he said. Reported in: *Elkins Inter-Mountain*, March 3; *Charleston Gazette*, April 23.

student press

Lawrence, New Jersey

A newly enforced policy at Notre Dame High School, censoring student testimonies in the yearbook, irked students who said the administration went too far in a drive to present a squeaky-clean image. In the 1993 edition of the *Notre Dame Canticle*, all direct and indirect references to alcohol, sex and drugs, as well as non-religious invocations of God's name, were deleted from the back pages, where seniors each year pay \$5 to publish often cryptic reminiscences.

The list of banned words included any construed to relate to forbidden topics, including any references to hotels and motels, as well as expressions such as "Oh my God." Officials at the Catholic school pointed out that they had the authority to censor the yearbook. However, student editors, who traditionally have monitored the content of the book, said they were not told administrators would delete passages until after students had paid their fees and submitted their entries. Reported in: *Trenton Times*, March 2.

Rochester, New York

A Marshall High School student was handed a suspension after she distributed an underground newspaper, the *Marshall Message*, that took her principal to task. District policy says the principal must review the publication "within a reasonable period of time."

Rachel Barnhart wrote her first issue of *Marshall Message* in February on her home computer, printed 500 copies at home, then had friends help pass them out at school. The issue dealt with the lack of administrators' response to student concerns. It said the school should change its leadership, particularly Principal Richard Wallman.

Barnhart's second issue dealt with students' disappointment after community leaders listened to them but offered no solutions. The day that issue came out, Barnhart received a warning letter that she would be suspended if she didn't follow the rules about getting prior approval. After the third issue was distributed, she was suspended for four days. Barnhart said she was now abiding by the rules, and submitted the fourth issue — written by another student about her suspension — for review by the principal. Barnhart said, however, that she was waiting for Wallman to approve the issue more than a week after giving it to him.

"It's old news already," the 16-year-old junior said. "The principal, he edited it, he censored it. We don't know when

it's going to be approved."

School board vice president Archie Curry said he didn't think a suspension had been called for. Here's a young lady, who's smart, doesn't agree with what's going on, and then an adult comes in and says, 'Bull. You're suspended for five days,' rather than sit down and come to some rational understanding of why," Curry said. Reported in: *Rochester Democrat and Chronicle*, April 5.

Hillsboro, Ohio

Six Hillsboro High School seniors, who anonymously wrote an underground magazine and distributed it at school, were suspended April 19. The magazine, dubbed the *Delphic Oracle*, lampooned the school's administration, ridiculed school policies and satirized high school life in general. Two issues of the publication were produced before the students were identified.

The publication was reportedly a big hit with the school's students and even some of its teachers. School administrators, however, did not find it so entertaining. They said the second issue, in particular, seriously violated school board policy governing the code of discipline by being, among other things, disrespectful, vulgar, disruptive and abusive toward school employees.

In addition to a one-day suspension, the students were required to produce a third issue that "addresses the unjust accusations, insults and inappropriate material contained in [the second issue]." Reported in: *Hillsboro Press-Gazette*, April 22.

newspapers

New York, New York

More than twenty newspapers nationwide either canceled the comic strip "For Better or For Worse" or pulled it temporarily because of a several-weeks sequence in which a teenage character revealed that he is gay. As of early April, eight papers had dropped the strip completely and about fifteen had replaced the March 26 to April 24 sequence with reruns, according to the strip's distributor, Universal Press Syndicate.

One newspaper that pulled the comic temporarily was the *Las Vegas Review-Journal*. "It's not offensive at all," commented editor Thomas Mitchell, "but it was condoning homosexuality almost to the point of advocacy. I can understand those who would object to a continuing series of what it is like to be a homosexual. I feel there is an appropriate forum for that, but not on the comics page."

Mitchell said reaction to the decision came from several dozen readers, sixty percent of whom criticized the newspaper for censorship.

Cartoonist Lynn Johnston said the sequence was not begun lightly. She said she asked a gay relative for help with content and showed the strips to her local small-town newspaper in Canada. She also noted that she had done the strips enough

in advance for Universal to contact clients and offer reruns to those who did not want to carry the gay story line.

Johnston said she was heartened that the overwhelming majority of the 1,400 "For Better" clients ran the strips. "It's a vote for open-mindedness," she said. "People should be judged by how kind and honest and trustworthy they are, not by their sexual orientation." Reported in: *Editor and Publisher*, April 3; *San Jose Mercury-News*, March 27.

radio

Los Angeles, California

An admission by a station executive that "shock jock" Howard Stern's controversial morning show was being systematically "edited" by KLSX-FM produced a flurry of negative reaction, even from many who would like to see the racy talk-show host off the air. Legal experts said the station's action was a classic case of the "chilling effect" that government regulation can have on free speech.

"Certainly KLSX is within its right to size up its options and decide what to do, but I find it rather a mistake," said Jeff Cole, a lecturer on media ethics at UCLA. "Howard Stern didn't come to KLSX as an enigma or mystery. Howard Stern came with this extraordinary controversial image. That is what they bought. That is what they promoted. And now Howard Stern is being Howard Stern and this is what listeners want. Now that the going is getting a little tough, KLSX wants to neuter Howard Stern, and that is not going to really satisfy his critics. It's going to make listeners feel like they're little children and have to listen to a condensed or abridged version."

The editing came to light after an hour-long segment of the show was cut. Prior to that, the editing had been relatively minor, but this segment featured a protracted series of crude jokes at the expense of guest Jessica Hahn, who was on the program to promote a video.

Greater Media, Inc., which owns KLSX and was fined \$105,000 in October for Stern broadcasts deemed indecent by the FCC (see *Newsletter*, January 1993, p. 24), said it ordered the editing in hopes of avoiding further sanctions.

Al Westcott, the self-styled crusader who filed the complaint against Greater Media that led to its fine and to another \$600,000 one against Infinity Broadcasting (see *Newsletter*, March 1993, p. 52), said the editing was inadequate. "I think it's a step in the right direction, but it comes a little too late," Westcott said. "I wonder why this particular segment struck [Greater Media]. I've heard other material that I would consider to be equally objectionable."

At least one Stern fan agreed: "Greater Media has aired material that is every bit as risqué as what they were cited for last October. The show is still going to offend people who have always been offended by it. So I fail to see how it's going to do any good. KLSX should either air the show intact or take it off entirely."

Free Speech advocates expressed concern about the broader implications of KLSX's self-censorship. "To the extent that this technique is successful with someone like Stern without the commission staff having to justify its proceedings even to the full commission or take it all the way through the court, it redefines the relationship between the commission and broadcasters in a way that is potentially ominous for other types of material which someday may evoke the commission's displeasure," said Robert O'Neil, director of the Thomas Jefferson Center for the Protection of Freedom of Speech at the University of Virginia.

"This is a textbook example of the chilling effect," UCLA's Cole said. "It's exactly what everyone predicts is going to happen when the government acts in one case and makes broadcasters afraid. It makes a broadcaster ask, 'Why bother?' in the face of listener complaints, government intervention, and the endless legal fees." Reported in: *Los Angeles Times*, March 17.

theater

Tucson, Arizona

An Arizona Theatre Company production of the play *M. Butterfly*, by David Henry Hwang, ran afoul of the Pima County Attorney's office because the play contains brief flashes of nudity. The problem began when a patron complained to Tucson police that she had observed minors in the audience. The police contacted the company and told it that it was required by Arizona statute to refuse admission to anyone younger than eighteen and to check IDs before letting anyone in. Officials at the theater company were threatened with felony prosecution if they failed to comply. The company complied.

"This is a Tony Award-winning play that has played in probably 75 communities without legal threat of felony charges," said managing director Robert Alpaugh. "That this should happen in Tucson is disappointing. It hasn't been a problem of such import that we haven't been able to deal with it, but we wish it had not been necessary to deal with it."

"*M. Butterfly* has toured three dozen countries, and two or three dozen cities in the United States, and this is the first time I've heard of this happening," said Hwang. "There is a little bit of female nudity that has to do with the main character's fantasies and the way he is so intent on deceiving himself. And the male nudity is equally integral, even critical to his understanding of himself and his lover." Reported in: *Arizona Republic*, April 11.

art

Bisbee, Arizona

A wooden Balinese sculpture depicting erect male genitalia was removed from public view at Keith Collette's Mule

Gulch Gallery by order of the Bisbee Police Department April 14.

The police action was prompted when a tourist visiting the gallery took offense and called Mayor Mike Lazovich's office. "She was very upset," Lazovich said. "She was crying and could hardly talk." On the advice of the City Manager, Lazovich called the police. "This woman was one of our tourists who comes here and spends money," he explained.

Gallery manager Tom Bryan said the only reaction the \$800 sculpture had ever received in the previous two years it had been displayed in the gallery was laughter and titters from those viewing it. Reported in: *Sierra Vista Herald*, April 20.

Menlo Park, California

A censorship flap involving the Greek Goddess Aphrodite, allegations of sexual harassment and Post-It notes ended with bad feelings between Menlo Park city officials and a Brazilian artist. The controversy involved woodcuts by internationally exhibited San Francisco artist Zoravia Bettiol, some of which went on display in the Menlo Park City Hall.

Most of Bettiol's work was noncontroversial, depicting Greek gods and scenes from *Romeo and Juliet*. But two woodcuts turned heads. One was of a nude Aphrodite, the Greek goddess of love; the other showed a circle of naked bodies to illustrate "lust" as part of a series on "The Seven Sins."

One city employee decided that the artwork violated city policy on sexual harassment. She filed a complaint with the city. In an attempt at compromise, City Hall officials and supporters of the artist tried to defuse the situation by covering up portions of the woodcuts with Post-It notes, functioning as 1990s fig leaves.

But that solution pleased no one. The two woodcuts finally were removed. Bettiol said she went along with the decision, but wasn't happy about it.

"Nudity, eroticism and sexuality belong to the human condition," she said. "Since the Paleolithic period, man has presented nudity in his artwork." Bettiol said she had spent a good portion of her life fighting censorship and dictatorship in her native Brazil, and she was frightened to find it in her adopted country. "If they start with censoring my work, where will they stop?"

But city officials said it wasn't so simple. "People work here, and people come in here to conduct city business," said Jacqueline Schwartzman, chair of the city Arts Commission. "If you want to display nudes, you can do it at the De Young or the Museum of Modern Art — not at City Hall." Reported in: *San Francisco Examiner*, April 8.

San Jose, California; St. Paul, Minnesota

A nationally touring exhibit on the Vietnam War stirred controversy in Minnesota and California, where opposition

from local Vietnamese-American groups forced museums to cancel plans to display the collection of artwork. The board of the Minnesota Museum of Art voted April 27 to cancel "As Seen By Both Sides: American and Vietnamese Artists Look at the War," which had been scheduled to open in June. Officials at the San Jose, California, Museum of Art also canceled the show because of Vietnamese-American opposition.

The exhibition includes 82 paintings and photographs by artists from the United States and Vietnam. But Vietnamese-American groups in both cities charged that the exhibit was sponsored by the Hanoi government and would "only reopen deep wounds that have been felt by both Americans and Vietnamese for several decades," said Tri Nguyen of the Vietnamese Community of Minnesota. Reported in: *St. Paul Pioneer Press*, May 12; *Washington Times*, May 17.

Pocatello, Idaho

Idaho State University has barred people under age seventeen from attending an art exhibit at its gallery, calling the paintings of partially clothed women "adult viewing material." The exhibit had generated record attendance at the university's Transitions Gallery. Campus officials also covered the gallery's windows with brown paper before the show opened.

Dory Grace, the gallery curator, said university officials had overreacted to the exhibit, which she said is not obscene. "No one is tied up; there is no violence to anyone," she said. Reported in: *Chronicle of Higher Education*, March 10.

Jackson, Michigan

What started as a political statement turned into a self-fulfilling prophecy for Melissa Hartman, a high school junior. Her chalk and ink drawing of Michelangelo's nude statue of David was banned April 26 from the Jackson County School Art Fair at a shopping mall. Mall officials said they thought it might offend some shoppers.

Ironically, Hartman worked the worked "censorship" into the drawing in a way not apparent to a casual observer. "I wanted to take one of the most historic, famous masterpieces and tie it into censorship," she said. "We had been talking about it in art class. I had no idea this would ever happen." Reported in: *Jackson Citizen Patriot*, April 27.

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from the bench



U.S. Supreme Court

Reaffirming its view that advertising is a form of speech protected by the First Amendment, the U.S. Supreme Court ruled March 24 that a city may not automatically exclude advertising brochures from the newspaper vending machines that it licenses for use on public property.

The 6-3 decision in *City of Cincinnati v. Discovery Network* held that the city violated the rights of two companies by revoking permits for their 62 vending machines while leaving in place the nearly two thousand machines used by newspapers. The decision upheld rulings by two lower federal courts. The two companies used the machines to distribute free periodicals advertising adult education courses and homes for sale.

In the majority opinion, Justice John Paul Stevens said that while Cincinnati's stated goals of reducing litter and obstructions on city streets were legitimate, its chosen means were not. Stevens said the Court's precedents required a "reasonable fit" between a government regulation of commercial speech and the goal that the regulation was supposed to accomplish. Removing just 62 of 2,000 vending machines could not make a dent in the city's clutter, and the distinction between advertisers and newspapers "has absolutely no bearing" on the problem.

"The major premise supporting the city's argument is the proposition that commercial speech has only a low value," Stevens wrote. But in fact the Court has accorded substantial value to commercial speech, which Cincinnati's approach "seriously underestimates."

In dissent, Chief Justice William H. Rehnquist said the fact that the city's regulation was "underinclusive" did not make it unconstitutional. Because commercial speech has a lower level of constitutional protection than political and other noncommercial speech, he said, government agencies are

free to single it out for regulation as long as the regulation is related to the "overall problem" the agency is trying to solve. In this case, Rehnquist wrote, "every newsrack that is removed from the city's sidewalks marginally enhances the safety of its streets and esthetics of its cityscape."

Justices Byron R. White and Clarence Thomas joined the dissenting opinion. The majority opinion was joined by Justices Harry A. Blackmun, Sandra Day O'Connor, Antonin Scalia, Anthony M. Kennedy, and David H. Souter.

The case had drawn attention because the Court's approach to commercial speech had been somewhat in flux, and some believed the Justices might use the case to clarify doctrine. But Stevens appeared to avoid making any new law, emphasizing the narrowness of the ruling.

Moreover, while the majority upheld the earlier ruling by the U.S. Court of Appeals for the Sixth Circuit, it did not endorse that court's reasoning, which was more protective of commercial speech than the high court's precedents have been. In his 1991 appellate opinion, Judge Daniel J. Boggs had said commercial speech should be presumed to enjoy full First Amendment protection, unless it is shown to be false, deceptive, or liable to create some distinctively harmful effect.

But Justice Stevens said there was no need for the Court to address that approach because the Cincinnati action was already invalid under previous precedents. In a concurring opinion, however, Justice Blackmun said it was time for the Court to reassess its approach and declare that "truthful, non-coercive commercial speech concerning lawful activities is entitled to full First Amendment protection."

The Court first found any First Amendment protection for commercial speech only in 1976; before then, advertising had been treated as essentially beneath the Constitution. As federal judge Alex Kozinski wryly observed a few years ago: "The commercial speech doctrine is the stepchild of First Amendment jurisprudence. Liberals don't much like commercial speech because it's commercial; conservatives mistrust it because it's speech." Reported in: *New York Times*, March 25.

A unanimous Supreme Court on May 24 rejected the Justice Department's sweeping assertion that all sources supplying information to the Federal Bureau of Investigation in a criminal investigation should be treated as "confidential" and thus exempt from disclosure under the Freedom of Information Act. "Congress never gave the FBI a blanket exemption of that type, either in the original Freedom of Information Act in 1966 or in later amendments," Justice Sandra Day O'Connor wrote for the court.

"Although we recognize that confidentiality often will be important to the FBI's investigative efforts," she said, "we cannot say that the Government's sweeping presumption comports with common sense and probability."

"The rule the Government proposed undoubtedly would serve the Government's objectives and would be simple for the bureau and the courts to administer. But we are not free

to engraft that policy choice onto the statute that Congress passed." O'Connor said the agency had to take a "more particularized approach" in showing why an exemption from disclosure was warranted in a given case or category of cases.

The case, *U.S. v. Landano*, grew out of a long-running effort by a New Jersey man to prove his innocence of the murder of a Newark police officer, for which he was convicted in 1976. Vincent Landano, who has lost numerous appeals, claimed that the FBI has information in its files that casts doubt on his guilt. After he filed a request under the Freedom of Information Act in 1988, the bureau provided a portion of the file but withheld hundreds of pages under an exemption in the law shielding from disclosure law enforcement records that "could reasonably be expected to disclose" the identity of, or information proffered by, a "confidential source."

The law does not define the word "confidential," and the government argued that any source that cooperated with the bureau in a criminal investigation should be presumed to be "confidential", unless the person seeking the information could demonstrate it was not.

Both U.S. District Court Judge H. Lee Sarokin and the U.S. Court of Appeals for the Third Circuit ruled that the government had to provide detailed reasons for treating each source as confidential. In its Supreme Court appeal, filed by the Bush administration in June, 1992, the Justice Department argued that placing this burden of proof on the government threatened its ability "to protect vital sources of information."

Accepting neither side's argument, the Court struck a balance between treating all sources as confidential and requiring the government to make a detailed justification for each. "The Government bears the burden of establishing that the exemption applies," O'Connor said. But "when certain circumstances characteristically support an inference of confidentiality," the government should not have to provide detail for each source.

Generally, the opinion said, government should have to disclose at least the "nature of the crime that was investigated and the source's relation to it," thus providing to those seeking information a "realistic opportunity to develop an argument that the circumstances do not support an inference of confidentiality." Reported in: *New York Times*, May 25.

The Supreme Court left states free March 29 to ban businesses from using automatically dialed, recorded messages to telephone consumers and make unsolicited sales pitches. The Court refused to hear arguments that such a Minnesota ban violates the First Amendment. The law allows such sales pitches only when a company gets prior consent from the prospective customer or uses a live operator to disclose the nature of the call before playing the message. The Minnesota Supreme Court upheld the law last year, saying phone calls to people's homes are "uniquely intrusive." Reported in: *Riverside Press-Enterprise*, March 30.

No matter "how disgusting bigotry may be," a Wiscon-

sin lawyer argued at the Supreme Court April 21, it is still unconstitutional for states to try to outlaw it. But the Wisconsin attorney general defending the state's "hate crime" law insisted that when a defendant chooses a victim because of the victim's race, the defendant should warrant a stiffer sentence. Overall, the justices appeared more sympathetic to the latter argument, some of them expressing skepticism that the First Amendment protects bias when it is put into action.

The case of *Wisconsin v. Mitchell* began in Kenosha in 1989 after Todd Mitchell and other black youths discussed the movie *Mississippi Burning*. Mitchell said to the others, "Do you all feel hyped up enough to move on some white people?" He then pointed to a 14-year-old white youth walking by and said, "There goes a white boy; go get him." The white teenager, Gregory Riddick, was severely beaten, sustaining extensive injuries and brain damage. Mitchell, who was 19 at the time, was convicted of aggravated battery and sentenced to four years in prison, two of the years based on the enhanced punishment of the state's anti-bias statute.

The Wisconsin law, similar to those in many other states and proposed federal legislation, allows stiffer prison sentences for crimes already on the books if the defendant intentionally selects a victim because of race, religion, color, disability or sexual orientation. On an appeal from Mitchell, the Wisconsin Supreme Court struck down the law, saying it effectively punished thought. The state court relied in large measure on the U.S. Supreme Court's ruling last year in a cross-burning case that said government cannot target "hate speech." It said "content-based" regulations are presumed to be violations of the First Amendment.

This year, the question for the justices was whether the First Amendment also prohibited government from authorizing stiffer penalties for people who target victims because of bias. Lynn S. Adelman, who represented Mitchell, said the Wisconsin statute was similar to the St. Paul, Minnesota, cross-burning law because it "punishes thought." But Wisconsin Attorney General James E. Doyle contended that the state is, rather, targeting conduct, the selection of a particular victim. "He never would have been beaten except for his race," Doyle said. "We have not tried to create any new crime," he said, distinguishing the Wisconsin law from the St. Paul ordinance.

Justice Department lawyer Michael R. Dreeben also argued on behalf of Wisconsin saying it is important for government to be able to punish people for acting on prejudiced instincts. The resulting conduct, he said is "degrading... intimidating... and touches everyone else in the class," whether they be racial minorities or other victims.

During oral arguments, the justices tested the limits of such regulation. Justice Sandra Day O'Connor and Chief Justice William H. Rehnquist asked whether the state could allow stiffer sentences for war protests or draft-card burning. Doyle said generally a law could not be used to suppress political protest and that in the Wisconsin case the statute is invoked

only when a separate offense occurs.

Justice Antonin Scalia asked, somewhat sarcastically, whether a state could require longer prison sentences based on whether a defendant believed there is a hole in the ozone layer or the Earth is flat. Doyle said a statute must serve a legitimate state interest, such as public safety. Reported in: *Washington Post*, April 22.

Entering the unfamiliar terrain of rap music, the Supreme Court agreed March 29 to examine a recording by the group 2 Live Crew, parodying a classic country music song. The case could define the status of parody under copyright laws.

The U.S. Court of Appeals for the Sixth Circuit in 1992 rejected the rap group's argument that its recording of Roy Orbison's 1964 hit "Oh, Pretty Woman" constituted a "fair use" of the original, making it exempt from a claim of copyright infringement. Overturning a lower court decision in favor of the rappers, the appeals court said the "blatantly commercial" nature of the parody, which substituted "big hair woman" and two-timin' woman" for "pretty woman" of the original, made it ineligible for fair use.

The appeal by 2 Live Crew, *Campbell v. Acuff-Rose Music*, has attracted support from entertainers of quite different stripe than the rappers. Political satirist Mark Russell joined other satirical performers in an *amicus* brief with the Supreme Court warning that the appellate court's position would "bring an end to musical political parody as it has existed since the time of the Revolution."

The fair use doctrine is the only exception to a copyright owner's exclusive rights provided by the Copyright Act, which defines use of part of a copyrighted work "for purposes such as criticism, comment, news reporting, teaching, scholarship, or research" as fair use. But the law also provides that the doctrine be applied on an essentially case-by-case basis. The result has been a confusing array of rulings, especially in the case of parodies, which strike some judges as a form of critical commentary.

In the 2 Live Crew case, a dissenting judge, David A. Nelson, observed that the copyright precedents concerning parodies "appear to be in hopeless conflict." He noted that the U.S. Court of Appeals for the Second Circuit had found a parody of Irving Berlin's "A Pretty Girl Is Like a Melody," transformed by *Mad* magazine into "Louella Schwartz Describes Her Malady," to be fair use. Reported in: *New York Times*, March 30.

Accepting an appeal by the Department of Defense, the Court agreed March 29 to decide whether the 1974 federal Privacy Act protects federal employees from having their home addresses disclosed to labor unions or other organizations. Unions seeking to communicate with their members, or to organize new members, often seek home addresses. In this case, the Federal Labor Relations Authority, which supervises federal labor-management relations, ordered two military post exchanges to make home addresses of employees available to the unions that represented them. The Defense Department argues that the disclosure was an inva-

sion of personal privacy barred by the Privacy Act. Reported in: *New York Times*, March 30.

schools

Shreveport, Louisiana

State District Judge Frank Thaxton threw out Caddo Parish's "just say no" sex education program March 18, saying it violated state laws against teaching religion in public schools. It was believed to be the first court ruling on the curricular packages called "Facing Reality" and "Sex Respect," which are used in 2,000 schools around the country. "Once the school board decides to teach sex education," Thaxton wrote, "they are given absolutely no latitude to vary from the mandates of the act."

The program encourages teenagers to abstain from premarital sex. It contains no birth control information, but was supplemented in Caddo Parish to include information on contraceptives and sexually transmitted diseases.

The challenge to the curricula by Planned Parenthood was based on five points, four of which Thaxton affirmed: that the program violated state law because it involved religious teachings, anti-abortion rights, inaccurate data, and questions about students' beliefs. The judge rejected the argument that the program illegally involved federal funds.

On March 31, the Caddo Parish School Board voted 7-4 to appeal the ruling. Reported in: *Baton Rouge Advocate*, March 19; *Shreveport Times*, April 1.

Tyler, Texas

Native American students in the Big Sandy Independent School District are no longer required to abide by the district's dress code regarding hair length, U.S. District Court Judge William Wayne Justice ruled March 12. The decision came in response to a suit brought on behalf of ten students, by the Alabama-Coushatta Indian Tribe, who were subjected to disciplinary action for not complying with the school's dress code provisions.

The district had enforced a dress code restricting the hair length of all male students for the past twenty-five years. But, as an anthropologist testified, the southeastern Indian tribes traditionally believed that hair is a part of the body and must be cut only under special circumstances.

Judge Justice found that the tribe, and the parents of the disciplined students, encouraged and supported their children's participation in celebrations, pow-wows, and other traditional Native American activities. The tribe and the parents, while not requiring young men to wear their hair long, approve of the practice because of its religious significance and because of the desire to preserve the Native American heritage.

Some teachers said that after a restraining order was issued in support of the students disciplinary problems increased. But Justice said that no connection between the wearing of

long hair and the perceived problems could be established. "Anticipation of disruption due to the wearing of long hair does not justify the curtailment of the students' silent, passive expression of their faith and heritage," he said.

Justice ruled that the Native American movement should be considered as a religion for First Amendment purposes. "While it may seem rather nebulous and unstructured to persons versed in more traditional religions, such as Christianity, Judaism, Hinduism, or Islam, it is certainly a religion, as is apodictically shown by its system of beliefs concerning the relationship of human beings and their bodies to nature and reality." Reported in: *Tyler County Booster*, March 24.

colleges and universities

Athens, Georgia

The *Red and Black*, student newspaper of the University of Georgia, won access to records and proceedings of the university's Organization Court, which adjudicates disciplinary proceedings against fraternities and sororities. The newspaper had been barred access to records and proceedings regarding charges of hazing. The newspaper sued, and the trial court allowed access to the records but not to the proceedings. The state Supreme Court, however, overturned the decision and allowed access to both.

The university had argued that the records were not open because they were protected under the Buckley Amendment, which restricts the release of students' educational records without their permission. The Georgia Supreme Court found, however, that it had "serious questions whether the Buckley Amendment even applies to the exemptions argued by the [university]." In addition, the Court determined that the records were not "education records within the meaning of the Buckley Amendment." Reported in: *Editor & Publisher*, March 27.

New York, New York

A federal judge ruled May 11 that Professor Leonard Jeffries' constitutional rights were violated when he lost the chairmanship of the City College Black Studies Department after an allegedly racist speech. "The court finds that the university's denial to Professor Jeffries of a full three-year term constitutes a violation of the plaintiff's First Amendment rights," U.S. District Court Judge Kenneth Conboy said.

The ruling came a day after a federal jury considering Jeffries' lawsuit against the school decided his constitutional right to due process was violated. Judge Conboy had sealed that verdict until he had weighed the First Amendment issue separately. After announcing his decision, Conboy instructed the jury to decide who specifically violated Jeffries' rights and to consider damages. City University of New York, the college's parent institution, said it would appeal.

University trustees dismissed the controversial Jeffries as department chair after he gave a speech that was widely criticized as racist. In the July, 1991, speech in Albany, New York, Jeffries said Jews and the Mafia had conspired to belittle blacks in the movies and that Jews had helped finance the slave trade.

Pam Schafler, chair of the Anti-Defamation League's New York Regional Board, said Jeffries's "outrageous attacks against Jews and whites represent a blatant appeal to bigotry, and they cannot be ignored. They are reprehensible and an affront to the democratic and pluralistic values which underpin our society." Reported in: *Washington Times*, May 12.

Richmond, Virginia

A university fraternity was protected by the First Amendment when it staged an "ugly woman" skit that the school and some students found racist and sexist, a three judge panel of the U.S. Court of Appeals for the Fourth Circuit ruled May 11. The ruling was a victory for the Sigma Chi fraternity, which performed the skit in 1991 as part of a fund-raiser at George Mason University's student union.

The skit featured several fraternity members wearing women's clothes. One student wore black-face, stuffed his outfit with pillows to simulate large buttocks and breasts, and spoke in slang to parody African-American dialect.

After the performance, 247 students signed a petition condemning the skit's "racist and sexist implications" and the school sanctioned the fraternity. The appeals panel upheld a ruling by U.S. District Judge Claude M. Hilton, who had nullified the sanctions that were aimed at curtailing Sigma Chi's social activities for two years.

"From the mature advantage of looking back, it is obvious that the performance, apart from its charitable fund-raising features, was an exercise of teenage campus excess," wrote Judge James M. Sprouse. "The low quality of entertainment does not necessarily weigh in the First Amendment inquiry."

The university argued that sanctions were justified because the skit undermined the school's mission of promoting a culturally and racially diverse student body. Reported in: *Oakland Tribune*, May 13.

church and state

San Diego, California

The U.S. Court of Appeals for the Ninth Circuit ruled March 3 that San Diego's allowing the Christmas season display in Balboa Park of life-sized statuary depicting scenes from the life of Jesus Christ doesn't violate the First Amendment's Establishment Clause. The display had been set up by a private group for six weeks each year since 1953. Seven of its eight scenes included signs with gospel messages.

In rejecting an Establishment Clause challenge to the display, the court applied the three-part test established by the 1971 *Lemon v. Kurtzman* decision. It found that the deci-

sion to allow the display had the legitimate secular purpose of promoting freedom of expression in a public forum, satisfying the test's first prong. The third prong was met because there was no "appreciable" institutional entanglement with religion.

The bulk of the court's analysis came under *Lemon's* second prong, which inquires whether placement of the "overtly religious" display on public property "represents government endorsement of religion." The court found that permitting the display would not be interpreted as an endorsement of religion by a "reasonable" observer.

In a concurring opinion, Judge Alex Kozinski rejected the entire premise of the *Lemon* test as applied to speech. Religious speech is speech, entitled to the same protection from government restriction as any other kind of speech, he argued. The Establishment Clause forbids only the establishment of religion, not the mere appearance of doing so, he said.

In dissent, Judge Boochever said that the majority had erroneously implied that the Free Speech Clause of the First Amendment outweighs the Establishment Clause. Moreover, a reasonable observer could easily take the government's presence at the unattended, intensely religious display to be endorsement of the display. Reported in: *U.S. Law Week*, March 23.

New York, New York

New York City may not compel the inclusion of gay and lesbian groups in the St. Patrick's Day parade, the U.S. District Court for the Southern District of New York ruled February 26. The court said the city's characterization of the parade as "secular" and thus subject to its public accommodation law is content-based regulation of the parade sponsor's speech that violates the First Amendment.

An Irish lesbian and gay group sought to march in the parade under its own banner. The parade's sponsor for 153 years, the Ancient Order of Hibernians, refused permission. The city's Human Rights Commission, however, found that the parade is "secular," an "American institution," and a "celebration of freedom," and as such, a public accommodation subject to the anti-bias provisions of the city's human rights laws.

The court disagreed, declaring that the parade is a "pristine form of speech" and thus cannot be a public accommodation. The message that the Order seeks to convey, the court found, "is to honor the patron saint of Ireland and to proclaim their allegiance to the Roman Catholic Church and its teachings."

The commission's restating of that message to bring it under the Human Rights Law "dramatically changed [its] content" and thereby violated the Free Speech Clause, the court said. Altering the manner and means of expression also violated the First Amendment by compelling the Order to conform with an agenda it did not set and to associate with speech with which it disagrees. The city's attempt to change

the message of the parade was not a content-neutral time, place, or manner restriction on speech, the court said. Reported in: *U.S. Law Week*, March 16.

Waukesha, Wisconsin

A divorced Waukesha man can't force his fundamentalist religion on his three daughters, a state court ruled March 18. The court decided that divorced parents without child custody have no First Amendment right to discuss their religious beliefs with their children even if the children aren't seriously harmed by the talks.

The appellate court ruled that a lower court had legally decided in 1990 that Robert Lange can't have unsupervised contact with his children if he insists on telling them about his church. Lange was married to Betty Lange in 1987 when he joined the fundamentalist church and rejected his family's Lutheran faith. He demanded that his wife quit her job and teach their children at home.

Betty Lange, however, filed for divorce and sought custody of their three daughters. Robert Lange also sought custody and told the girls that their mother would go to hell if she continued attending the Lutheran church. The girls prayed with him at meals that their mother would become a Christian.

The appeals court said that state law gives a custodial parent the right to choose a child's religion and that judges can impose restrictions to protect that right. "While we emphatically affirm Robert's right under the United States and Wisconsin constitutions to hold and profess his religious beliefs, he cannot engage in conduct causing his children to reject the religion Elizabeth has chosen for their children," Judge Paul Gartzke wrote for the court.

Judge Charles Dykman, who dissented, said the restrictions should have been imposed only if Robert's actions had a "grave, damaging effect" on the children. "The majority's rejection of all relevant precedent suggests that what is really at work here is the majority's belief that Robert's religious views are incorrect," Dykman wrote. Reported in: *Wisconsin State Journal*, March 19.

cable television

Washington, D.C.

The U.S. Court of Appeals for the District of Columbia Circuit on April 7 blocked enforcement of new Federal Communications Commission rules that strictly limit the sexually explicit material shown or discussed on leased cable channels. Leased channels are those on which cable companies sell blocks of time. Reported in: *St. Petersburg Times*, April 8.

government employees

Washington, D.C.

A panel of the U.S. Court of Appeals for the District of Columbia circuit on March 30 struck down a ban on speaking fees that Congress imposed on federal workers, saying it was an unconstitutional infringement on free speech. The court called the total prohibition on outside fees for occasional speeches or magazine articles "unduly overinclusive" when applied to career civil service workers who speak or write about topics unrelated to their jobs.

"It is clear that the ban reaches a lot of compensation that has no nexus to government work that could give rise to the slightest concern," Judge Stephen F. Williams wrote in a 2-1 ruling. He cited examples of a Nuclear Regulatory Commission lawyer who writes about tsarist Russian history, a Labor Department lawyer who lectures on Judaism, a mail handler who writes about Quakers, and a Navy electronics technician whose avocation is ironclad vessels in the Civil War.

"The topics appear not to be such that the employee could have used information acquired in the course of his government work," the court ruled. And "there is no suggestion that the institutions that have paid or are likely to pay for the speeches or writings would have some relationship with the employee's agency that would make them wish to curry its favor."

Judge David B. Sentelle dissented, saying Congress was correct in determining that "only a uniform, government-wide ban will prevent federal employees from attempting to supplement their salaries by exploiting loopholes in ethics laws." Reported in: *Oakland Tribune*, March 31.

Milwaukee, Wisconsin

A Wisconsin law that restrains state government employees from asking the Legislature for appropriations violates their First Amendment rights, U.S. District Court Judge John Reynolds ruled April 7. Republican Governor Tommy Thompson had twice vetoed legislative attempts to have the law repealed.

In 1991, Lawrence J. Barnett, a University of Wisconsin-Milwaukee professor, sued the state Ethics Board, objecting to an Ethics Board interpretation of the law. Barnett said he often wanted to testify before legislative committees on the need to expand university budgets, but was forbidden to do so.

Sen. Lynn Adelman (D-New Berlin), who represented Barnett, praised the ruling. "It's a stupid law and the governor shouldn't have spent so much time trying to keep it in place," he said. "Legislators can say no to requests for more money. You don't have to have a law to shut people up."

Judge Reynolds said he was unpersuaded by the Ethics Board's argument that the law applied only to state employees acting in their official capacities. "The board would have

this court read the gag law as meaning something other than what it clearly states," Reynolds said. "On its face, the gag law prohibits an agency employee from communicating with the Legislature, regardless of the employee's official capacity." Reported in: *Milwaukee Journal*, April 8; *Milwaukee Sentinel*, April 9; *Wisconsin State Journal*, April 9.

newsstands

Chicago, Illinois

In a 2-1 decision giving sidewalk newsstands the same First Amendment protection as newsracks, a panel of the U.S. Court of Appeals for the Seventh Circuit in February struck down as unconstitutional Chicago's newsstand licensing ordinance. "If newsracks receive First Amendment protection, so do newsstands," Judge Walter J. Cummings wrote for the majority.

"With all due respect, the First Amendment cannot turn on the trivial distinction that rusted newsracks are replaced while weather-beaten newsstands are repaired with hammer and nails. The physical nature of the structure does not dictate the First Amendment protection it receives because the newsstand or newsrack is merely the conduit," Cummings said.

In a vigorous dissent, Judge Daniel Manion said the decision would make real the fear Supreme Court Justice Byron White expressed in his dissent to the 1988 landmark ruling that struck down a Lakewood, Ohio, ordinance restricting newsrack locations. White, Manion said, had argued that the ruling "would give newspaper publishers the right to take public property for private use" and ignore the legitimate governmental interest in keeping sidewalks safe and accessible to all. "Building and operating a newsstand is conduct, not speech, which the city can lawfully prescribe."

Chicago adopted the newsstand ordinance in 1991 to force vendors to repair their many ramshackle newsstands and to eliminate the approximately four hundred stands operating without a permit. The ordinance required permit fees based on a sliding scale. Reported in: *Editor & Publisher*, March 6.

publishing

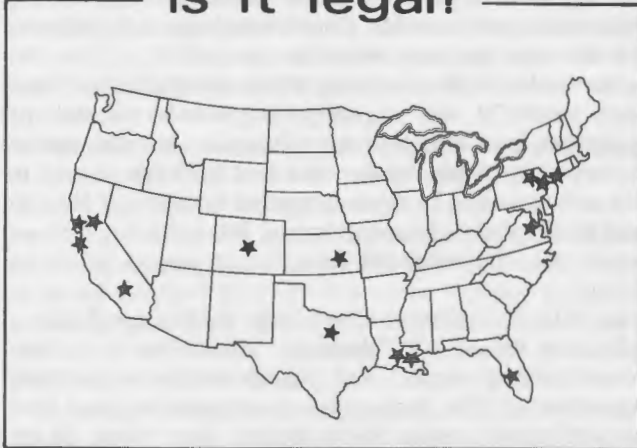
Pikeville, Kentucky

A federal judge on April 12 blocked distribution of a book about a sensational Kentucky murder, saying the victim's blood-spattered picture on the cover was illegal commercialization.

"It glistens," U.S. District Court Judge Joseph Hood said of the simulated bloodstain over the picture on the cover of *A Dark and Bloody Ground*. "It's obviously done for the

(continued on page 129)

is it legal?



schools

Elk Grove, California

A request by several students at Elk Grove High School to place a mural depicting the burning of the U.S. flag on the school's hallway wall will apparently be decided by the courts. An attorney for the ACLU filed a lawsuit against the Elk Grove Unified School District April 16 on behalf of eight students alleging censorship.

The lawsuit stemmed from a proposal by students of the Model United Nations/Junior Statesman Club, which was denied by both the school's principal and the district Board of Education. Also depicted in the proposed mural would be the text of the First Amendment and reference to the U.S. Supreme Court case, *Texas v. Johnson*, which upheld the constitutional right to burn the flag. The students wished to add the mural to an existing display on First Amendment rights. Other murals currently on the school's walls also have controversial themes. Reported in: *Elk Grove Citizen*, April 21.

colleges and universities

Northridge, California

Jewish and women's groups joined California State University, Northridge's Latino students and faculty March 12 in demanding that university officials do more to punish a fraternity suspended for distributing an offensive flier on campus. In a packed classroom, members of Movimiento Estudiantil Chicano de Aztlan (MEChA) expressed outrage over an announcement that a fourteen-month suspension against Zeta Beta Tau would be shortened if the fraternity agreed to drop a lawsuit against the university.

Members of MEChA and other groups, including the Anti-Defamation League, the campus Hillel Jewish Center and the Women's Studies Department said they thought the settlement with ZBT would encourage other acts of prejudice on campus. The groups said the suspension should be reinstated and also demanded that each fraternity member publicly apologize for the flier, which invited students to attend a party in honor of "Lupe," a fictitious, Mexican prostitute in sexually explicit song. Reported in: *Los Angeles Daily News*, March 13.

Santa Rosa, California

A series of "raunchy, sexist" messages on a campus computer bulletin board created a turmoil over free speech at Santa Rosa Junior College and led to disciplinary action against a school adviser.

Some male students made caustic personal comments around mid-April about two campus women on a "Men Only" forum in the computer network, which links computer users at the 30,000-student campus. The women learned about the comments on the board and complained to Jim Mitchell, the administration's official in charge of fighting sexual harassment.

After an initial investigation, campus officials suspended the "Men Only" conference indefinitely. To avoid accusations of gender bias, they also shut down the bulletin board's "Women Only" conference. On April 30, journalism professor Roger A. Karraker was relieved of his responsibility for overseeing the bulletin board system. While "absolutely revolted" by the male students' "raunchy, sexist" comments, Karraker had defended their right to make them.

"The removal of me, the person in charge of the system, inevitably has a chilling effect," Karraker said. "It's telling them they can be punished for their exercise of free speech."

A group of journalism students associated with the school newspaper organized a protest movement against the decisions. Reported in: *Washington Times*, May 10.

Hammond, Louisiana

University police arrested Southeastern Louisiana University's student body president March 16 and accused him of recruiting fraternity members to steal copies of the campus newspaper so nobody could read an article criticizing him. A police report said that a front-page article in the *Lion's Roar* of March 4 triggered the theft of the newspapers after they were delivered to various bins throughout the campus. "To steal newspapers so as to deny others the opportunity to see what is in them is the crassest, lowest form of censorship," commented managing editor Dori Colona. Reported in: *Baton Rouge Advocate*, March 18.

Lafayette, Louisiana

The former editor of *L'Acadien* yearbook sued the Univer-

sity of Southwestern Louisiana April 7 seeking a public admission by the university that it erred when it dismissed him because of controversial articles and photos in the 1991 edition. Jeffrey Gremillion filed the suit in U.S. District Court. Gremillion charged that the university caved into pressure from powerful contributors in removing him after he included a controversial nude photograph and a discussion of sex on campus in the yearbook. "My opinion is that, in a student publication, the student editor should call the shots, not the administration and certainly not the rich and powerful of Lafayette," he said. Reported in: *Boston Rouge Advocate*, April 8.

Philadelphia, Pennsylvania

A group of African American students at the University of Pennsylvania, upset about "blatant and covert racism" on campus, confiscated nearly all 14,000 copies of the student newspaper in April and dumped them in the trash. Stephen Glass, Executive Editor of the *Daily Pennsylvanian*, said he believed that a conservative student columnist, who had questioned the heroism of Martin Luther King, Jr., and written about what he described as preferential treatment of blacks, was the target of the protest. Reported in: *Oakland Tribune*, April 18.

Waco, Texas

Baylor University regents voted unanimously March 19 against allowing nude models in an art class after school administrators and Baptist officials were swamped by telephone calls from opponents. "We have heard clearly the voices of Texas Baptists and many others, and we have canceled any plan to offer the proposed course," said a school official. Female models would have posed nude, and male models would have worn athletic supporters. Physicians would have given lectures to art students on anatomy and bone and muscle structure. Baylor, with 12,000 students, is the world's largest Baptist university. Reported in: *Orlando Sentinel*, March 22.

National Endowment for the Arts

Washington, D.C.

In June, 1992, when a federal judge ruled that the National Endowment for the Arts's so-called "decency" clause was unconstitutional, artists and administrators breathed a sigh of relief. They were also heartened by the election of Bill Clinton. But in April, the arts community went into shock when the U.S. Department of Justice moved to appeal the decision.

"Quite frankly, this action came very much as a surprise and we're still attempting to get information from the administration on their rationale for taking this action," said Ed Able, executive director of the American Association of Museums. "We are shocked by this action because it did

not appear from the information we had in terms of the political campaign and Mr. Clinton's feelings on these issues that the court decision would be appealed."

The Justice Department brief, which was filed in San Francisco March 29, was originally thought to be the work of holdovers from the Bush administration, but department representative Mark Sakaley said the "brief was cleared in this administration by those authorized to clear it." He also said that "while Attorney General Reno did not play an active role, she was made aware of the appeal before its filing."

In 1992, U.S. District Court Judge A. Wallace Tashima ruled that the NEA's "decency" clause was both "unconstitutionally vague" and "overbroad under the First Amendment." The decision was in response to a suit filed by performance artists Karen Finley, John Fleck, Holly Hughes, and Tim Miller and the National Association of Artists' Organizations after former NEA chair John Frohnmayer overturned grant recommendations to the artists.

"To make the assumption that [the appeal] signals a change in President Clinton's position regarding freedom of speech would be incorrect," said the department representative. "We're simply following our mandate to defend laws enacted by Congress. We disagree with the holding of the district court. The rationale behind the holding was flawed."

David Cole, who represents the plaintiffs on behalf of the Center for Constitutional Rights, called the Justice Department's position "extremely disappointing." He dismissed any suggestion that the department's brief was inadvertent, saying he had spoken with an aide to Reno and had a response from Acting Solicitor General William C. Bryson assuring him that the brief was reviewed at the highest level. Cole said the position in the brief was "indistinguishable from the arguments by the Bush administration." Reported in: *Los Angeles Times*, April 8.

television

Washington, D.C.

Contending that television violence contributes to anti-social behavior, a private, non-profit group petitioned the Federal Communications Commission March 25 to restrict murder and mayhem on the air. The effort was immediately criticized by longtime children's television advocate Peggy Charren as an attempt to use censorship instead of education to solve problems. Meanwhile, the FCC proposed new standards to ensure that stations more fully comply with a provision of the 1991 Children's Television Act mandating educational programming for children.

The petition from the Foundation to Improve Television asked the FCC to revoke the license of authority to program from cable companies or broadcasters who habitually show "an excessive amount of dramatized violence" between 6 a.m. and 10 p.m. If a station shows a program during those

hours containing violence deemed inappropriate for minors, it would have to be preceded by audio and visual warnings and carry a warning superimposed over the video for the duration of the program. Warnings would also have to be aired during commercial breaks.

The group also wants the FCC to require programming to educate children about the effects and implications of violence and to hold hearings on televised violence that would lead to guidelines for telecasters on their responsibilities regarding violence. But Charren said the FCC would do better to enforce the Children's Television Act than to restrict violent programming. "Everyone thinks there is too much violence on television," she said. "The answer is making a market for what is missing."

The initiative came on the heels of a national survey showing the public more concerned than ever about the amount of violence in television entertainment and its effect on society. The Times-Mirror Company poll, released March 23, showed the number of people who are "personally bothered" by the violence in entertainment shows jumped to 59 percent from the 44 percent in a similar survey conducted in 1983. Those saying they were "bothered a great deal" rose to 24 percent from 16 percent. Furthermore, 80 percent said entertainment violence is "harmful" to society, compared to 64 percent in 1983. The number who said it is "very harmful" jumped from 26 percent of the public to 47 percent.

In that spirit, earlier in March, the FCC moved to tighten its standards for educational programming under the Children's Television Act after some local stations used cartoons and vintage sitcoms to satisfy the act's mandate for programs to educate and inform children.

A proposed new policy would give broadcasters less leeway in the type of programs that meet the requirements of the 1991 act. The "explicit purpose" of this programming should be to meet "the educational and informational needs of children" with entertainment being secondary, "rather than the converse," the FCC said. The tighter standards were proposed in an FCC notice seeking public input, a required step in the regulatory process.

The proposed changes came after a survey by the Center for Media Education found local stations were citing programs ranging from "Super Mario Brothers" to "The Little Rascals" to show how they were providing educational programming for children. For instance, one station listed "Leave It To Beaver" as educational programming, explaining, "Eddie misunderstands Wally's help to girlfriend Cindy, and confronts Wally with his fist. Communications and trust are shown in this episode."

Another station cited a Yogi Bear cartoon as educational, saying "Snag learns that he can capture the bank-robbing cockroach more successfully by using his head rather than his muscles."

Broadcasters were "coming up with new descriptions of old programs rather than finding new programs to meet the mandate of the law," the report concluded.

Providing further evidence of a new approach, the commission delayed renewing the licenses of seven stations, demanding that they provide better evidence that they were meeting their educational responsibilities. Reported in: *San Jose Mercury-News*, March 4, 26; *Oakland Tribune*, March 4, 26; *Los Angeles Daily News*, March 26.

Tampa, Florida

A two-month investigation by the state attorney's office ended May 6 with a decision not to prosecute a 23-year-old woman for airing a videotape of a punk rock musician defecating on stage. State Attorney Harry Lee Coe, III, said he was "personally disturbed and offended" by the tape, which appeared on a public access cable show called "The Morbid Underground." But his office cannot prosecute Suzy Smith, the show's producer, because "excretory conduct" is not specifically mentioned in the state's obscenity law.

"I fully understand and appreciate the community's outrage over the showing of this videotape," Coe said. But, "based on the facts before us, the law does not support a criminal action against Ms. Smith."

Officials from Jones Intercable, which provides the public access programming facilities, asked the Tampa Police Department to begin a criminal investigation. Meanwhile, they suspended Smith for a year for violating a policy against showing "turgid genitalia" on public access programs. Reported in: *St. Petersburg Times*, March 6, May 7.

anti-abortion demonstrations

Washington, D.C.

Attorney General Janet Reno asked Congress May 12 for new authority to stop blockades, harassment and violence at abortion clinics, rejecting arguments that it would violate First Amendment rights. Appearing before the Senate Labor and Human Resources Committee, Reno reaffirmed the Clinton administration's support for a bill designed to crack down on attacks on abortion clinics, and intimidation of women and doctors.

Reno said the legislation at issue would strike a balance between the free speech rights of anti-abortion protesters and the constitutional right of women to get an abortion and of doctors to perform them. She noted that the legislation prohibits certain conduct — the use or threat of force; physical obstruction to injure, intimidate, or interfere with an individual seeking access to abortion services; or destruction of the property of medical facilities.

"The legislation makes clear that it is not intended to suppress a particular message," the attorney general said.

But abortion opponents argued the bill would end up censoring free expression. "If enacted, [it] would undoubtedly both suppress pro-life speech and insulate the abortion industry, its personnel and clients from hearing the pro-life

message," said Nikolas Nikas, a lawyer for the American Family Association Law Center.

Harvard law professor Laurence Tribe told the committee, however, that the proposed legislation would not burden free expression. "Nothing in the Bill of Rights prevents Congress from telling protesters, along with everyone else, that they must obey viewpoint-neutral rules against violence," he said. Reported in: *Oakland Tribune*, May 13.

prison

Monroe County, Pennsylvania

A Monroe County Jail inmate in March asked a federal judge to lift the jail's ban on *Playboy* magazine. Dennis M. Salerno filed suit, alleging that the county had violated his rights by restricting access to adult magazines and by initiating a jail-wide ban on smoking. Salerno said that upon his entrance to the facility in November, several copies of *Playboy* and other magazines were taken from him and that subsequently mailed periodicals were returned to the publisher. That, the convicted credit card counterfeiter charged, is "censorship, plain and simple." Reported in: *Allentown Morning Call*, March 17.

publishing

New York, New York

Investigative reporter Robert Sam Anson filed suit against publisher Simon & Schuster for allegedly breaching an agreement to publish his forthcoming book on Walt Disney Co. and its executives. The suit filed on March 18 in U.S. District Court in New York charged that the publisher's decision to suppress the book's publication "was the result of outside pressure from the publisher's parent company, Paramount Communications, Inc., and other persons and/or entities opposed to the book's publication."

Anson, who was given a \$400,000 contract to expose the "inside" story behind the success of Disney under former Paramount honchos Michael Eisner and Jeffrey Katzenberg, alleged that the book was canceled because he dug up inflammatory information about Paramount chair Martin Davis and other executives. Reported in: *Variety*, March 22.

AIDS

Denver, Colorado

An angry state legislator confiscated pamphlets and a poster from an AIDS awareness booth on the first floor of the Colorado State Capitol April 15. In a memo to Gov. Roy Romer, Sen. Bob Schaffer (R-Fort Collins) charged that the materials — including several brochures published as a cooperative effort of the Denver Public Health Department and the Colorado Department of Health — were "promoting sodomy

and irresponsible and divergent sexual behavior in the Capitol."

Romer told reporters that making AIDS information available is "tremendously important, in terms of public health." But he said that after learning of the brochures' presence, he asked the Health Department to staff the booth with an adult, because "there are obviously some materials there that are not created for distribution to grade-school youngsters."

Sen. Jana Mendez (D-Boulder) complained that Schaffer's removal of the materials "was nothing but blatant censorship. It wasn't his right to make that decision for everyone who passes through the first floor" of the Capitol. In a floor debate over Schaffer's action the next day, Mendez called the confiscation "absolutely Nazi tactics."

In the debate, Senate Minority Leader Larry Trujillo (D-Pueblo) said, "We do not take the laws into our hands and confiscate material." He said he would hate to think that the hundred members of the legislature "would take it upon ourselves to go out and grab, take away, material or information from our citizens, that we don't like."

But Schaffer was unrepentant. Refusing to return the materials, he said, "The question is about what we as a state and what we as a people stand for, and what we are willing to spend public funds on in a public way and distribute in a public place, and what kind of message we want to convey." Reported in: *Daily Times Call*, April 16, 17.

Topeka, Kansas

The Rev. Fred Phelps has posed a thorny problem for lawmakers: how to balance free speech rights against the rights of grieving relatives of AIDS victims to bury their dead in peace. The Primitive Baptist minister and his followers began picketing the funerals of gay AIDS victims in Topeka and Wichita about two years ago, confronting mourners with posters proclaiming, "God Hates Fags: Romans 9:13."

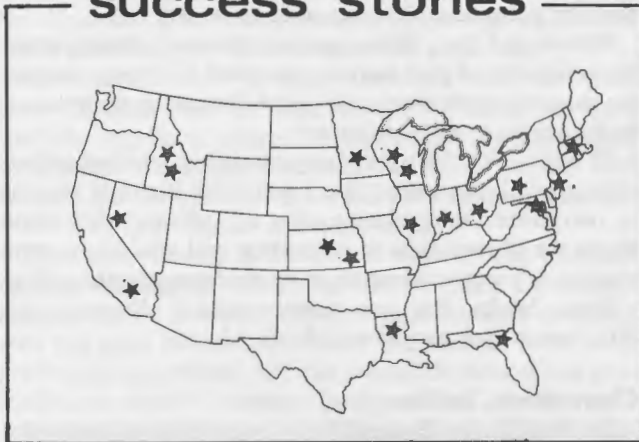
The Kansas Legislature responded last year by enacting a ban on such demonstrations. The City Council in Kansas City, Missouri, 70 miles to the east, also adopted an ordinance, modeled on the Kansas law, to stop Phelps. Phelps hasn't picketed a funeral in Kansas since the state law was passed, but his campaign against those he condemns as "filthy sodomites" continues with daily pickets outside churches and restaurants.

Moreover, Phelps announced in April that he would defy the Kansas City ordinance and picket a memorial service for a young composer who died of AIDS. He even sent a flier announcing the protest to the man's parents two days after his death.

"I'm talking about the destruction of a civilization called Sodom and Gommorah," Phelps said. "The Lord Jesus Christ says when things get that way in any civilization it's

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success stories



libraries

Fairbanks, Alaska

James Petersen knew he was raising Cain when he requested the borough library ban the *Bible*, but he was surprised when more than seventy people showed up March 17 for a meeting of the commission of the Noel Wien library, which voted unanimously to keep the *Bible*.

Petersen admitted he did not actually want the religious book removed, but was instead trying to make a point about censorship. "My intentions were not to hurt, to insult or to degrade anyone's faith. Or to scare the tar out of people," he said. "Basically I had grown concerned over *Billy Budd, KGB*."

Billy Budd, KGB is a comic book-style illustrated novel that aroused controversy last year when a patron charged that it was too violent and pornographic (see *Newsletter*, September 1992, p. 161; November 1992, p. 196). The commission decided against banning the book, but directed the library to make it available only through the reserve desk.

Petersen attended the commission meetings on the subject and was disturbed at comments he heard. "I felt something had to be stated about what happens when you start banning books," he said.

In his complaint, Petersen called the *Bible* "obscene and pornographic." "I knew darned well that the library commission would say no" to banning it, he said. However, "if this were made into a comic book like *Billy Budd*, my point is there would be many objecting to it." Reported in: *Fairbanks Daily News-Miner*, March 18.

Redondo Beach, California

Playboy magazine will remain in the Redondo Beach city library despite the determined efforts of a city resident. Stan Groman petitioned both the city library commission and the city council to remove the publication from circulation, citing its "obscene and offensive" contents and branding it "pornography."

At an April meeting of the library commission, Groman, accompanied by one of his children, spread out opened copies of *Playboy* to demonstrate his charges that the magazine's photographs of nude women warrant censorship. Groman testified that he was motivated by his own previous fondness for pornography, which almost destroyed his marriage.

Library commission chair Ross Yosnow retorted that "adults have to grow up and begin taking responsibility for their own actions."

Library and media services director Shari Petresky said the library's subscription was paid for by a patron donation and not by city funds. She noted that *Playboy's* circulation ranks thirteenth in the nation. "Removal of *Playboy* would deprive the community of a legitimate publication which serves literary and research interests. Age prohibitions would infringe on the rights [of parents] and this decision should only be made by the parent and not by any force of government," she said. Reported in: *Los Angeles Times*, March 11; *Easy Reader*, April 15.

High Springs, Florida

After weeks of controversy and substantial local media coverage, two hundred people gathered at the High Springs Civic Center March 11 to see what the Alachua County Library Governing Board would do about *Daddy's Roommate*, the controversial book for preschoolers about homosexuality. The book's presence in the public library had been challenged by a group of residents concerned about moral degeneracy. Now opponents and supporters of the book debated the issue in public.

"*Daddy's Roommate* lays on the shelf like a loaded weapon," said Dan Williams. "This is not about censorship; this is about protecting our children." "Don't make my kids ashamed of their mother," entreated a lesbian parent.

After 90 minutes of comments, stories, facts, and pleas, the Governing Board voted — to do nothing at all. In short, *Daddy's Roommate* remained on library shelves.

According to the library district's bylaws, a book that has passed the normal selection procedure cannot be pulled. The only way the board could have removed it was to hold another meeting and rewrite the bylaws. But the board voted unanimously against that and publicly affirmed its support for the controversial book's right to remain in the library.

Board member Margaret Eppes said libraries are storehouses for all sorts of information and parents must be aware of their children's reading habits. "We as parents have to be in charge of what our kids read," she said. "I know

it is not easy, but no one said it would be easy.”

Library Director Ann Williams expressed satisfaction with the outcome of the controversy. Recalling a citizen at the meeting who compared *Daddy's Roommate* to a book promoting pedophilia, she made it clear that the library would not purchase a book that advocated an illegal act.

Still, Williams said, the library's approach would continue to be inclusive. “Rather than take something out,” she said, “let's put something in. I know there was some concern expressed at the meeting that this might cause us to be more cautious in selecting. Well, that's not my position. If we have to go through it again, we will. I hope we won't, but I think what we've done is in accordance with good, solid policy, which our board apparently still supports.” Reported in: *High Springs Herald*, March 18; *Gainesville Sun*, March 22.

Salmon, Idaho

The Salmon School Board voted 3-2 April 13 to keep two books by Stephen King in the Salmon High School library. April and Ken Burrill, parents of a high school student, had challenged *The Talisman* and *The Skeleton Crew* because of graphic street language about homosexuality, among other things.

“I've got seven pages of this kind of stuff,” Ken Burrill told the board. “I'd like to know what the school's policy is on making vulgar literature available to our kids. I mean, is this the best we can do for our kids?”

Those opposed to keeping the books said parents should have been included in the review committee, which recommended unanimously that the books stay on the shelves. The committee included two teachers, the high school principal, the school librarian, and the Salmon public librarian.

Several parents testified that good morals begin at home and that it was up to parents to guide their children if they didn't want them to read certain books. Others said they would rather have students reading King than nothing. Several high school students said that though they weren't King fans, they opposed banning the books.

High school senior Jenny Vermaas said she was offended by the passages from the books read by Burrill. “I was very offended because I had no control over what I was hearing,” she said. “The decision not to read Stephen King is a decision I have made myself because of the moral values my parents have taught me.” Vermaas added that it was “a poor day when young adults have to have adults telling them what they can and cannot read.” If you're a senior in high school and you can't choose for yourself, she asked, how are you going to cope with all the other things in the world? Reported in: *Idaho Falls Post-Reporter*, April 13, 14.

Bluford, Illinois

Books by popular horror novelist Stephen King will not be banned from the Webber Township High School library. At its regular meeting on March 11, the school board agreed

that librarian Dixie Woods had responded properly to a parental complaint about some King books.

Woods said that, after a parent expressed concern about the availability of such works as the novel *Christine*, she gave the parents a form which allows the librarian to deny access to the books to their children.

“I believe it is the right of any parent to control what their child reads,” she said. “But I don't feel it's right for one or two parents to determine what all kids read. We could throw the library open to censorship and you'd have bare shelves. It's very difficult to serve children going to college without books that are controversial.” Reported in: *Mt. Vernon Register-News*, March 12.

Charlestown, Indiana

On April 20, the Greater Clark County School Board voted unanimously, with one abstention, to reject an appeal by some parents to remove three books from the Charlestown Middle School library. The decision concluded six months of debate over *The Goats*, *Show Me the Evidence*, and *Don't Look Behind You*.

Parent Kim Brown and others objected to graphic passages, sexual references and alleged immorality in the books. “Just because they've won an award doesn't mean they're suitable for an 11, 12, or 13 year old,” she said. The books were selected from the Young Hoosier Award Program by a group of librarians and school officials.

Schools Superintendent Justin Roberts defended both the books and the selection process. “The materials are selected in a rational way,” he said. “These materials meet the criteria.”

After hearing presentations from both sides, school board members offered their own comments. “I think you need to think about openmindedness,” said Michael Wasdovich. “We must give our children roots, then allow them to use their wings,” said Sheryl Yoder. Board member Robert Fields abstained from the vote, arguing that both sides had exaggerated the issue. “This hearing tonight should have never happened,” he said. Reported in: *Charlestown Leader*, April 28.

Derby, Kansas

The Derby Library Board decided March 17 to keep a book about AIDS on the library's shelves. A library patron had complained about *AIDS: You Can't Catch It Holding Hands* because “the book didn't say abstinence is the answer and just teach it.” Library Director Anne Randolph said the book is factual and does not discuss moral issues. Reported in: *Derby Daily Reporter*, March 18.

Thibodaux, Louisiana

A Lafourche Parish school system committee on March 10 rejected a mother's request to remove copies of *Little House on the Prairie*, by Laura Ingalls Wilder, from elementary school libraries because she found the book offensive

to Indians. The mother, Houma Indian Brenda Pitre, told the committee how she discovered offensive passages when she was reading the book to her third-grade son.

She was offended by a passage that described two Indian men who stole from the main character's family and wore foul-smelling skunk pelts as loin cloths. In some parts, Pitre said, white characters described Indians as devils, wild animals and savages. One character tells the Ingalls family, "The only good Indian is a dead Indian."

But Nancy Powell, a committee member and associate director of Ellender Library at Nicholls State University, pointed out that the main character's father strongly disagrees with the good Indian/dead Indian line and the book often praises Indians. Powell said that overall the book is not anti-Indian and mainly promotes family values.

Readers need to look at a whole book, and not just scattered remarks in its pages, said Jeanette Reed Robideaux, a librarian and instructor of children's literature at the University of Southwestern Louisiana. "Laura Ingalls Wilder wrote that a long time ago and perhaps she was not as sensitive as we would like her to be about those things. I don't think we would accept that from a contemporary writer writing today," Robideaux said. However, the book can have a place in a balanced multicultural school setting. "I think it's very worthwhile."

But Pitre saw the matter differently. "I thought about the many children who read this book and weren't as fortunate as my son was to have somebody guide them through the book and explain what was being said and the time period it involved," Pitre explained. "Many children are going to check out this book, they'll see that it comes from the school library, and they're going to believe everything that this book says. A book that would portray Indians this way would do no good at all for a child's self-esteem." Pitre said she would like the book to be required reading in middle or high schools, but eliminated from elementary schools.

Committee members argued, however, that libraries should reflect all points of view. Libraries cannot remove books because of objections to their ideas. While the book may reflect some prejudiced views, it accurately reflected the prejudices of the time. "We can't just pull things out because we disapprove," said Jo Carpenter, Thibodaux Elementary School librarian. Reported in: *Thibodaux Daily Comet*, March 11.

Seekonk, Massachusetts

Homosexuality and freedom of expression were on trial April 21 as a standing room only crowd discussed whether to ban or restrict a picture book that describes a gay lifestyle to preschoolers. The Seekonk Library board of trustees wasted no time, however, in voting unanimously to keep *Daddy's Roommate*, by Michael Willhoite, in the library.

The trustees then politely listened to nearly ninety minutes of impassioned rhetoric before again voting unanimously to keep *Daddy's Roommate* in the children's section. Members of the audience had asked that the book be moved to the adult family section.

Board chair Margaretta Curran said, "It's a children's picture book and [the children's section] is where it belongs. Parents have the right to choose, but that means they can choose to read it to their children or not."

The crowd was divided into three groups: those who wanted the book banned outright out of a belief that homosexuality is sinful and evil; those who wanted it in the adult section; and those who favored its retention in the children's section.

"Ten years from now, you'll be debating whether to put books on pedophilia in the library," said Lane Briggs, pastor of the Rehoboth Independent Baptist Church. "Even a good humanist would take a stand on this. Homosexuality is aberrant behavior. God calls it an abomination and a loathing."

"Reading is fundamental, it is not fundamentalist," retorted Tim McCarthy, a supporter of the book. Proponents of *Daddy's Roommate* argued that restricting the book would infringe on the First Amendment rights and the library's educational mission.

"Eight to ten million children have gay and lesbian parents," said Nancy Rose. "Children need to know that there are different kinds of families. We need to create an atmosphere of tolerance, It doesn't matter what we think; it is the child that needs to be protected from racism, sexism and homophobia."

The controversy began in March when about fifty Seekonk residents launched a petition drive seeking the book's removal. However, the mere hint of censorship enraged other town residents, who began circulating a counter-petition urging the retention of *Daddy's Roommate* in the children's section.

"I'm really infuriated because it's like waking up in the wrong country, in the wrong time period," said Martha Manno. "Some of our kids are going to grow up to be gay. Are we supposed to tell them we hate you?"

Daddy's Roommate was added to the library's collection at the request of several parents in early February because "it's the only book for children we have on the issue," said librarian Sharon St. Hillaire. Reported in: *Providence Evening Bulletin*, April 22; *Attleboro Sun-Chronicle*, March 29, 30, April 22.

Carson City, Nevada

Librarians testifying before the Nevada Board of Education March 20 smiled as the board voted 8-0 to give local trustees the authority to accept library books based on guidelines that guard against censorship. "We cannot hide ideas," Washoe County Library Director Martha Gould said after the decision. "Hitler burned books hoping he would burn ideas. It didn't work then. It won't work now."

The previous regulations said the state superintendent had to approve books and supplementary materials for libraries. But Superintendent Eugene Paslov said he had never reviewed books. "The statute was unrealistic," he said. "You can't have the state superintendent looking at every book."

The March decision gave local school officials the authority to choose library materials. Local trustees must develop policies for selecting publications and methods for parents to appeal decisions, using the American Library Association's *Library Bill of Rights* as a standard.

The decision ended a controversy that began last year when Virginia City residents Mike and Rose Arp read a graphic account of prostitution in Thailand found in their school library's copy of *Rolling Stone* magazine. The Arps complained that the state was not following the old law that required the superintendent to approve library materials. They also pointed to a regulation requiring the superintendent to reject books that would lead children to form views "not in harmony with truth and morality and the American way of life."

Gould maintained that it is the parents' responsibility to impress upon their children what they consider appropriate reading material. "We should not be afraid of what our children read," she said. "We cannot let parents of one set of children dictate policy on all children." Reported in: *Nevada Appeal*, March 21; *Reno Gazette-Journal*, March 21.

Lawrence, New Jersey

A Mercer County Library System committee recommended in March that the controversial gay children's book *Daddy's Roommate*, by Michael Willhoite, remain in the children's section of the Lawrence Library. A letter from resident Keith Smith, outlining his objections to the book, triggered the review. Smith objected that the book refers to homosexuality as "another kind of love."

Smith said he had not expected to find the book in the library, but that his 4-year-old daughter picked it up while browsing in the children's section. "The thing that shocked me the most was the fact that it is in the children's section," he said. "I read it when she picked it up. One thing that annoyed me was the mother explaining to her child that homosexuality is just another kind of love. And the picture of two men in bed raised my level of attention. It made me uncomfortable."

The committee, consisting of the library commission president and two senior librarians, said that while it appreciated Smith's concerns, the book was consistent with the library system's selection criteria. "The committee considered the request that it be removed from the children's section, but recommends leaving it in the children's section. Moving the book would be inconsistent with accepted cataloging standards," the committee report declared.

Library representative Jennifer Petrino said the library appreciated Smith's formal complaint, because another book in the same controversial series, *Heather Has Two Mommies*

was stolen from the collection, apparently by someone who objected to its presence.

Petrino added that it was "very unusual" to have complaints about a book. She said that Smith was the only library patron to even comment about *Daddy's Roommate*. Reported in: *Lawrence Ledger*, March 18.

Goshen Township, Ohio

The Advocate, a bimonthly news magazine for the gay and lesbian community, will not be banned from the Goshen branch of the Clermont County Public Library. At a packed meeting, the library's board of trustees voted March 22 to keep the magazine on the Goshen shelves for at least eighteen months. The eighteen-month trial period will determine whether the magazine has sufficient readership to keep it on the shelves. All new periodicals undergo this trial period.

"I believe this issue goes far beyond *The Advocate*," said board member Marion Crosswell. "I believe it goes to whether we can tell others what they can read."

Clermont County Citizens for Family Values had asked the board to ban the magazine and had previously threatened a boycott and a movement to repeal the library tax (see *Newsletter*, May 1993, p. 71). But the Rev. Randy Worthington, who led the movement, said the group had abandoned such plans. He did say he would ask the county prosecutor's office for an opinion whether the magazine is pornographic. "I'm surprised by the board's decision," Worthington said. "This is a pornographic magazine."

There is no legal meaning to the word "pornographic," however, and *The Advocate* is assuredly not legally "obscene." Moreover, Worthington acknowledged, according to Ohio law, public libraries are immune to criminal prosecutions for obscenity. Reported in: *Cincinnati Post* March 23; *Clermont Sun*, March 25.

schools

Emporia, Kansas

Two challenged books will remain in classrooms, Emporia schools superintendent Harold Hosey said March 9. The books, *The Great Gilly Hopkins*, by Katherine Paterson, and *My Brother Sam is Dead*, by James Lincoln Collier, were criticized last year by parents who said they contained profanity and graphic violence. The books had been used in fifth grade classes at Walnut Elementary School for three years.

Hosey said he was accepting the findings of a material review committee, which recommended the books' retention. The committee included parent, teacher, and community representatives. By majority vote, it found the books "to be acceptable for use as instructional material in the elementary schools" of the district.

Shiavaun Sowder, parent of a fifth grader, said those who challenged the books would not appeal the decision to the school board. Instead, she said they would ask the board to adopt a specific policy addressing "the larger issue of profanity in required classroom instruction. There isn't a policy in place that addresses profanity at all."

Randy Lewis, chair of the review committee, disagreed. He said there is a "very good policy statement dealing with controversial material. I felt like that was the policy our committee used. I feel it offers plenty of leeway for parental involvement. I think it worked in this case." Reported in: *Emporia Gazette*, March 9, 10.

Frederick Maryland

The Frederick County Board of Education shot down attempts by some parents to keep three books out of county schools. The May 3 vote followed a separate decision the previous week to retain the teachers' guides to the controversial *Impressions* reading series despite a year-long effort by some parents to ban them. In both cases, the parents cited the promotion of witchcraft and the occult as reasons for opposing the books.

The May 4 decision upheld a ruling by school superintendent Noel T. Farmer, Jr., to retain *Encounter*, *Panther Dream* and *The Story of Witches*. Dr. Kevin Castner, associate superintendent for curriculum, said that *Encounter* offers a Native American perspective on the arrival of Columbus. Parents opposed to the book said it promoted idol worship and was "anti-Hispanic." The parents complained that *Panther Dream*, which takes place in an African rain forest, "romanticizes shamanistic animal spirit guides." Both books were proposed for use in elementary language arts courses.

The Story of Witches, a library book not used as a classroom text, is a history of witchcraft that does not promote occult practices, Castner said. Reported in: *Frederick Post*, May 6.

Winona, Minnesota

Despite two hours of testimony from four hundred outraged citizens who objected to two educational posters on teenage homosexual issues hung in Winona Senior High School, the school board voted 4-3 April 19 to keep the posters up.

The poster, which asks, "What can you do? Your best friend has just told you, 'I'm gay,'" was developed by Wingspan Ministry and local gay and lesbian groups in response to requests from St. Paul school professionals who wanted to raise the issue of gay and lesbian identity among high school students. The controversy in Winona began in February when visitors to the school objected to the prominent display of one poster in the hallway and another on a school counselor's door. They charged that the posters promote immorality.

School officials temporarily removed one of the posters to show the school board, later returning it to its original place. When the posters remained, some Winona citizens objected more strongly. Eighty-three people petitioned the school board in March to have the posters removed. But after a newspaper article publicized the controversy, none of the petitioners came to the March board meeting to discuss the issue.

On April 19, objectors brought the petition, now with 400 signatures, but the board rejected their request. According to Superintendent Ronald McIntire, the board determined that the posters were not proselytizing, nor were they in poor taste. "In fact, they serve a useful counseling purpose," he said. Reported in: *Equal Time*, May 7-21.

Carlisle, Pennsylvania

The Big Spring School Board said May 3 that a play and a novel to which some district parents objected could be used in honors and academic English classes. But teachers using either August Wilson's *Fences*, which won the Pulitzer Prize, or Nobel laureate Nadine Gordimer's *July's People* must send parents a letter warning about the works' content and explaining that their children may read alternate selections. The board voted 7-2 to approve the books.

Some parents had complained that the two works contained sexual references. Parent Sue Klopp, who was instrumental in getting *Coma*, by Robin Cook, removed from classes last year, called *Fences* "demeaning to women."

Several students spoke in favor of the books. "I'm just as concerned about my morals as you are," Mark Ginter told the board. "But some children don't have anyone to teach them these things at home. Maybe they can read a book and learn something their parents don't teach them." Reported in: *Carlisle Sentinel*, May 4.

Spencer, Wisconsin

A novel about modern witchcraft can be read in a fourth grade classroom after the Spencer school board voted 3-2 May 10 to concur with a citizen-teacher committee that recommended its continued use. But Kevin Meinke, the parent who objected to the book, said he still believes *The Witches*, by Roald Dahl, could desensitize children to crimes related to witchcraft.

"We're making the whole thing totally absurd, total fantasy," Meinke told the school board. "Shouldn't they [children] fear some of the things going on?" Meinke said the book could be in the library, but should not be used in classes.

But Board President Allen Jicinsky said the board should support faculty and administration because curriculum responsibility rests with them. Board Clerk Kathy Eckes agreed, noting that cases could be made that several classic stories and books also have elements of witchcraft.

"I think the community sees this as an okay book for kids," said Eckes. "You can bring out any negative thing in a book you'd like." Reported in *Marshfield News-Herald*, May 11.

Waukesha, Wisconsin

The Mukwonago School District agreed April 12 in court to allow students to wear T-shirts ridiculing the boys basketball team and to expunge suspensions already handed out in the controversy. The settlement ended a lawsuit filed on behalf of students who said the district's ban on the shirts violated their First Amendment rights. The two-week-long controversy attracted national attention.

"We're glad this didn't have to go any further," said student Eric Szmada. "I didn't think it would have to go this far. But this is what had to be done."

Under the agreement signed by Judge Roger P. Murphy, the students will be allowed to wear the shirts, despite threats of violence from basketball team supporters. The suspensions against twenty students will be expunged from their records. A committee of students and administrators will make recommendations on a dress code, which would seek to restrict T-shirts that are obscene, racist, sexist or espouse the use of controlled substances.

The T-shirts said "House of Shame" and listed the team's fourteen losses, with an asterisk by its sole victory. Below the list were the words, "Miracles can happen." When the shirts were first banned, sixty students walked out of class in protest. Reported in: *Milwaukee Sentinel*, April 3, 13.

university

Boise, Idaho

The Idaho Board of Education turned down a request by a group of college students March 19 to remove a copy of pop star Madonna's book *Sex* from open view in a Boise State University hallway. The students asked the board to direct the university to move the book from a display case in a Liberal Arts Building hallway to the building's art gallery. The book was part of a display on women authors.

"We feel this display is highly inappropriate and possibly illegal for public presentation," said freshman David Harden. "It is in clear view to all — including minor children."

A motion by board member Roy Mosman directing the university to move the book died for lack of a second. Reported in: *Idaho Statesman*, March 20. □

(censorship dateline . . . from page 112)

Bloomsburg, Pennsylvania

A local woodworker said the decision to discourage the sale of black dolls eating watermelon at the Renaissance Jamboree is censorship of folk art. "It felt to me like the university and the Chamber of Commerce would like to censor what people bring in the town," said David Quinn of Bloomsburg.

Organizers of the April 24 street fair sent letters to prospective vendors asking them not to bring "dolls of black children with watermelon slices, as well as various other representations of people of color that reinforce negative stereotypes."

Quinn is not a vendor of the dolls but said they and similar dolls of other ethnic groups are widely recognized as a folk art form and are collected by many people of all races. "There are people that dressed like this," he said. "It's part of the art form. Part of the history." Reported in: *Bloomsburg Press-Enterprise*, February 27.

foreign

Tokyo, Japan

History texts will continue to fudge a lot on World War II after Japan's Supreme Court ruled March 16 that government censorship of textbooks is permissible. The court rejected a lawsuit by a textbook crusader who has waged a thirty-year battle against sanitized history. Instead, the court backed a Tokyo court ruling seven years ago supporting the Education Ministry's authority to screen and dictate textbook contents.

Japanese history students thus don't read about their country's invasion of China during the 1930s and the atrocities committed by Japanese troops. Nor are there accounts of germ warfare experiments on prisoners from other Asian countries.

Historian Saburo Ienaga, who filed the lawsuit, said the ministry had ordered him to delete passages in several editions of his *New History of Japan*, written for high schools. Reported in: *Detroit Free Press*, March 17.

Panama City, Panama

The government of Panama banned the showing in that country of *The Panama Deception*, one of five films nominated for an Academy Award as best documentary feature. The government said the film on the 1989 U.S. invasion of Panama distorts fact and makes "reckless accusations" against President Guillermo Endara. A three-member commission of the Interior Ministry decided the film "altered the facts," said a ministry representative. Reported in: *San Jose Mercury-News*, March 4. □

(from the bench . . . from page 118)

shock effect and to attract people to look at it. If that's not commercialization, I don't know what is."

The judge's order came in a lawsuit filed by the sister of a woman killed during a robbery at her father's home. The suit alleges that the unauthorized use of the picture violates a state law protecting people from "commercial exploitation." Reported in: *Washington Times*, April 14.

anti-abortion demonstrations

Redwood City, California

A San Mateo Superior Court judge May 6 barred anti-abortion activists from coming within twenty-five feet of a Planned Parenthood clinic in Redwood City. Judge Walter H. Harrington, Jr., said the evidence was "overwhelming" that patients and staff at the clinic were being harassed.

Under the restraining order, anti-abortion demonstrators are prohibited from photographing or videotaping people entering or leaving the clinic. The protesters are also barred from recording the license plate numbers of vehicles belonging to clinic patients, employees, or volunteers.

The demonstrators said the ruling was a denial of their First Amendment rights because they had not been shown to violate the law. "It makes us ineffective. How can we do pro-life work, communicate with the public, if we're across the street," said demonstrator Ross Foti. Reported in: *San Jose Mercury-News*, May 7.

Jersey City, New Jersey

A panel of Appellate Division judges ruled unanimously March 24 that demonstrators will have to keep their distance from a Jersey City medical clinic that performs abortions. "Speech does not lose its First Amendment protection simply because it may embarrass listeners or inspire or coerce them into action," wrote Judge Michael Patrick King. "However, that does not mean that all speech is immune from time, place, and manner regulations."

The appeals court judges upheld a decision by Superior Court Judge Stephen J. Schaeffer that pickets would have to limit their demonstrations to the sidewalk across the street from the clinic. Schaeffer had ruled that the pickets could not "disrupt, intimidate, or harass the staff, employees, or patients." He also ordered the demonstrators to "refrain from making loud accusations and shouting statements which are abusive."

"The injunction entered here may not be construed as a content-based restriction on expression," the appellate panel affirmed. "It must be construed as focusing specifically and exclusively on the location and manner of expression. The injunction protects the clinic from loudness and physical intimidation, not from content of speech." Reported in: *Hackensack Record*, March 25. □

(is it legal? . . . from page 122)

doomed. So it's not likely that any tacky little old city ordinance or state law or act of Congress is going to stop me."

Opponents of censorship expressed concern about the legislative efforts to stop Phelps. "You answer wrongheaded and outrageous, hateful speech, the kind that Mr. Phelps dishes out on a regular basis, with more speech, better speech, not with less speech," said Dick Kurtenbach, executive director of the ACLU of Kansas and Western Missouri. Reported in: *Miami Herald*, April 10.

poetry

San Francisco, California

Poetic license has a double meaning in the coffeehouses of San Francisco, where permits are required for poetry readings in the city that sustained a generation of Beat poets. Readings were halted at the Blue Monkey Cafe for two months after the city told owner Theresa Strang she needed a \$638 entertainment permit.

"Can you imagine Ginsberg and Kerouac getting ready to do a reading and saying, 'Wait a minute, do we have 630 bucks?'" asked poet Mel Thompson.

Upholding the renegade tradition that inspired Lawrence Ferlinghetti to risk jail to publish Allen Ginsberg's "Howl," the city's new poets view the permit requirement as a free speech issue. "What that really does is censor non-commercial art," Thompson said. "How can owners of coffee shops justify offering poetry when they have to come up with money like that? It silences us."

Despite the action against the Blue Monkey, readings have continued uninterrupted at city cafes, but poets and cafe owners fear the permit requirement could quash the tradition. Police don't intend to start raiding readings, but Sgt. Steve Tacchini said cafe owners would be notified of the decades-old law as he becomes aware of violations. The Blue Monkey became a target only when Strang bought the cafe and was asked if she had entertainment when she applied.

Nevertheless, Mayor Frank Jordan has asked the Board of Supervisors to amend the law. And Board of Supervisors President Angela Alioto began a meeting with poets protesting the Blue Monkey action by announcing, "The heart and soul of San Francisco is in our poets. We should do all we can to promote the poetry readings, not limit them." Reported in: *San Jose Mercury-News*, March 28; *USA Today*, April 6. □

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