

newsletter on intellectual freedom



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Clinton meets Rushdie

President Clinton met November 24 with novelist Salman Rushdie in a gesture that the White House said was intended to convey U.S. abhorrence of Iran's death threat against the author of *The Satanic Verses*. Rushdie also conferred at length with Secretary of State Warren Christopher and national security adviser Anthony Lake. Their hour-long conversation, and the President's dramatic gesture, marked a sharp break with the Bush administration's refusal to meet with Rushdie on the ground that it "might be misinterpreted" in the Muslim world. A White House official said the President and his top foreign policy deputies had told Rushdie that "they stand firmly with him against the forces of intolerance."

Rushdie has lived in almost perpetual hiding since February 14, 1989, when *The Satanic Verses* was condemned as blasphemous by the Ayatollah Ruhollah Khomeini of Iran, who called for his death. President Hashemi Rafsanjani of Iran said last year that since the Ayatollah had died, the death sentence could not be lifted.

Clinton met with Rushdie only briefly, during a five-minute handshaking session at the Old Executive Office Building, and the occasion was deemed so sensitive for security reasons that the White House did not permit even its own photographer to record it on film. It similarly refused to allow photographs of the author's longer meeting with Christopher and Lake. Aides stressed, however, that the two officials and the President had readily agreed to meet with a man they said symbolized the value of free expression and the perils of state-sponsored terrorism.

The State Department also issued a warning to all U.S. diplomatic posts that the welcome given to Rushdie might provoke "terrorist or mob action" against U.S. embassies, consulates, or citizens abroad. Rushdie himself was given protection by State Department security officers and extra security precautions were taken at the White House.

Rushdie and his supporters had sought the meeting as part of a concerted new effort to draw attention to his plight. On September 23, the formation of a Rushdie Defense Committee U.S.A. was announced at a New York press conference. The American Library Association is a charter member of the committee.

Last May, Rushdie, a British citizen, met with Prime Minister John Major, but at a press conference in Washington he expressed delight that he had at last won an audience with the U.S. leader. Describing the meeting as a "political act," he declared, "Instead

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/s/ Judith F. Krug.

**Washington v. Hollywood
debate over TV violence grows**

As Hollywood production studios work to develop new television shows, there's a definite chill in the air. The growing threat that Congress will enact legislation to regulate violence on television has caused writers and producers to censor themselves as they make their preliminary pitches to the networks for shows to air next season. They warn that the consequences of Washington's threats, let alone any potential action, may be to fill the airwaves with even more bland sitcoms and fewer adult dramas.

"There's no functional difference between censorship and the threat of censorship," declared Barbara Hall, who co-produced the widely praised series *I'll Fly Away*.

"It's paralyzing the creative community," said Leonard Hill, an independent producer with more than thirty made-for-TV movies to his credit.

"You can feel it in town," added Andy Schneider, executive producer of the relentlessly nonviolent *Northern Exposure*. "Everybody's afraid."

Attorney General Janet Reno's testimony before the Senate Commerce Committee October 20, in which she bluntly warned the industry to stem the tide of shootings, knifings and other mayhem, and found no constitutional impediment to three regulatory bills under consideration, only ratcheted up the tension.

At the hearing, Reno repeatedly strayed from her more tepid prepared testimony to warn television executives that the violence has been "ground into us, day in and day out" and that their past promises to reduce it had been worthless. It was the bluntest government condemnation of broadcast violence since the surgeon general linked television to aggressive behavior two decades ago.

The Senate hearing took place against a backdrop of congressional unhappiness with broadcast violence. Sen. Paul Simon (D-IL) said the industry had failed to act on his warning of last August to move decisively within sixty days or risk mandatory restrictions.

"There can't be endless talks about this," Simon said, voicing an emerging consensus in the Congress. "If by the first of the year we don't have some concrete public action taken, then we have to look at alternatives with the federal government that are sensitive to the First Amendment but that apply some pressure to avoid gratuitous violence."

Simon is the author of the 1990 Television Violence Act, which relaxed antitrust regulations to give the networks, cable channels and syndicators the legal footing to develop industry regulations. The legislation expired at the end of 1993.

In an attempt to stave off a federally imposed system of ratings, the four broadcast networks agreed last June 30 to air warning labels before and during programs with violent content (see *Newsletter*, September 1993, p. 155), but that seemed to have little effect.

At the Commerce Committee hearing, Senators repeated-

NYPD Blue dropped by 57 stations

The initial episode of ABC's controversial new police drama, *NYPD Blue*, overcame a vigorous protest campaign and preemptions by 57 of the network's 225 affiliated stations to register strong ratings in its premiere September 21. The show's national Nielsen rating of 15.9 — representing fifteen million households — placed it among the top ten programs, even though eleven percent of the country couldn't see it.

The number of stations that didn't carry the show was greater than the 54 predicted by Rev. Donald Wildmon, whose Mississippi-based American Family Association had staged a vigorous protest campaign against the program's use of nudity and profanity. At the network's request, the program's producers had trimmed fifteen seconds from a love scene.

Stations that declined to air the program included stations located in Dallas, Texas; Baton Rouge and Lafayette, Louisiana; Pocatello and Twin Falls, Idaho; Auburn, Maine, and four of five affiliated stations in Mississippi. Reported in: *Los Angeles Times*, September 23; *USA Today*, September 22. □

ly cited two recent fatal incidents in which youths appeared to be imitating what they had seen on television or in the movies. In one, a teenager was killed and two injured when they were struck by vehicles while lying in the center of roads, imitating a scene from a movie about college football, *The Program* (see page 32).

In the second incident, a toddler died in a house fire set by a five-year-old, who, his mother claimed, was imitating the MTV cartoon series *Beavis and Butthead*. The characters on the show like to play with matches and chant, "Fire is good." In response to the incident, MTV said it would delete future references to fire and agreed to move the show from its 7:00 p.m. air time to 10:30 p.m. Lawmakers also focused on a tendency for networks to show especially violent mini-series during network ratings periods.

"Television violence and the development of our youth are not just another set of public policy problems," Reno told the committee. "They go to the heart of our society's values. The best solutions lie with industry officials, parents and educators, and I don't relish the prospect of government action."

"But if immediate voluntary steps are not taken and deadlines established," she warned, "government should respond, and respond immediately."

Reno told the Senators that she was not quibbling with their demand that the industry agree on a plan to constrain violent television by January. If not, she said, the White House would be happy to work with Congress on the matter.

The Commerce Committee has been considering three bills that would ban violent programming when children make up a substantial part of the audience, require federal regulators to rate programs for their violence content, and force broadcasters to precede violent programs with warnings.

Television executives, producers, and writers charge in response that Congress is taking the easy way out in focusing on violence in network television while ignoring cable and syndication, which none of the legislation would affect, as well as larger societal issues such as gun control.

"A bunch of Washington opportunists are jumping on the bandwagon with a bogus campaign that reeks of McCarthyism," said producer Hill. "It's like saying to a newspaper, 'If you don't cover the gangs, they'll go away.' They're aiming at the wrong target."

Television writers and producers were flabbergasted when Sen. Ernest Hollings (D-SC), a member of the Commerce Committee, held up a parody of a barroom brawl on the CBS sitcom *Love and War* as an example of impermissible violence. Diane English, the program's producer, said that the episode's intent was to satirize violence on television and that it "accomplished exactly what we intended it to. Sen. [Conrad] Burns (D-ND) thought the episode was funny. Sen. Hollings thought it was offensive. If they can't agree about content, how can anyone expect to legislate it?"

Producer Stephen Bochco's *NYPD Blue*, a target of criticism more for sexual content than violence (see box), has been embraced by audiences with enthusiasm. Bochco said he has not been pressured to make any changes to the show's gritty realism, but added, "I have a real philosophical concern about the current furor. I can't help feeling a little cynical about the politicians making hay over a very easy issue. For them, it's a no-brainer. They appear unlikely to pass [even] a benign crime bill because of a watered-down gun control provision. And instead they want to shake their sabers at us."

"Government has come to accept the unacceptable — homelessness, hunger, a degree of criminal activity we don't even act on," he continued. "In among all that rubble, to point a finger at television seems not to be addressing the primary cause of our worst social issue."

Paul Schulman, whose New York-based company buys \$175 million each year in network time for advertisers, said the climate has changed. "There are things that got made a few years ago that would not get made now," he said. "Sponsors are very wary of environment. They will just stay away from gratuitous violence."

Dick Wolf, executive producer of NBC's *Law and Order*, said that in four years, the police officers on his show have never fired their weapons, but in the current climate he wor-

ries about reaction to certain types of shows rather than the shows themselves.

"The potential exists," he explained, "for these shows, the highest level of television, the dramas, to be destroyed by this legislation because ad agencies are sheep. They will avoid warning labels like the plague."

Barbara Hall of *I'll Fly Away*, the critically acclaimed show on NBC that moved in reruns to PBS, said she thinks that show about the era of the civil rights movement in the South wouldn't get made this year because it showed the graphic violence that was part of the period. "We showed KKK violence, very upsetting violence," she said. "I don't think we'd be able to do that this year."

Producer Stan Rogow called Congress's attack on television "a colossal smoke screen because the other issue is just too big to get around — why people get violent. *20/20* gets a 34 share for a story about a wife cutting off her husband's penis," he noted. "I haven't seen anything that approached that [on network prime-time entertainment shows]. There's a public appetite in a commercial market, and somebody is saying, 'You can't do that.'" Reported in: *Washington Post*, October 29; *Los Angeles Times*, October 1; *St. Petersburg Times*, October 20, 21. □

Jacksonville, Florida: bastion of Christian censors?

In Jacksonville, Florida's largest city, where the AIDS rate is climbing faster than the national average and a murder is committed every three days, one person in six belongs to a Baptist church. The city's often conservative religiosity and its deep-seated social problems have, in recent years, placed Jacksonville in the forefront of a national movement to "restore Christian values" to society. But many in the city say the conservative Christians want only to impose their rigid version of right and wrong on everyone else. For examples:

- Two years ago, the school board led the nation in parent requests to ban library books. The board heard twenty appeals to ban books and in half the cases restricted the book's availability or removed it from school libraries.

- Last May, a school board member asked Miss America Leanza Cornett, a Jacksonville native, to avoid using the word "condom" when speaking to high school students about AIDS (see *Newsletter*, September 1993, p. 147).

- In September, the city's ABC television affiliate canceled the first two episodes of the controversial hit series *NYPD Blue* because of offensive language and "soft-core pornography."

In Duval County, which has been consolidated with the city, conservative Christians hold a 4-3 majority on the school board. Last June, the board voted to allow prayer at high school graduations, prompting a lawsuit from the ACLU. Two years ago, the board led the nation in the number of

book banning requests filed, more than half of which were accepted. Among the works challenged were *A Separate Peace*, by John Knowles; *A Light in the Attic*, by Shel Silverstein; and *Skateboarding* magazine. Among the materials removed from libraries were Stephen King's *The Tommyknockers* and *The Dead Zone*; the Brothers Grimm version of *Snow White*; and Toecky Jones's *Skindeep*.

The board also approved a sex education program for seventh graders that teaches students not to have sex before marriage and gives what many authorities charge is inaccurate information about birth control and abortion. The board's decision to teach the Teen-Aid program prompted a lawsuit from Planned Parenthood, which contends Teen-Aid is the brainchild of a religious anti-abortion group in Washington.

School board member Stan Jordan explained that teaching abstinence-based sex education is like teaching driver education. Students are taught to come to a complete stop at a stop sign, he said. They're not told that some people won't stop and, therefore, here's how you run a stop sign safely. The same, Jordan said, should hold true for teaching about sex.

"You're finally seeing the majority start taking the lead here," said John Smith, president of the American Family Association of North Florida, which last fall encouraged Jacksonville residents to protest *NYPD Blue* even before it was aired or anyone in the group had seen it. Smith says his group, affiliated with the Tupelo, Mississippi-based national organization led by the Rev. Donald Wildmon, has 2,700 members in the Jacksonville area.

Another group, the Christian Coalition, was established three years ago in Duval County and is recognized as the leader of the conservative Christian movement in the area. Its 2,000 members, using a network of 250 churches, work to elect conservative Christians to public office.

The coalition doesn't endorse candidates but helped elect two school board members, helped an unknown defeat an incumbent for a legislative seat, and distributed thousands of fliers "to educate the public on candidates' views," said Dr. Max Karrer, president of the Duval chapter, one of five in north Florida and one of 890 in the country.

"To make a difference, you have to elect people to office that have your viewpoint," Karrer explained. The coalition has compiled a computer database, cross-referenced with church memberships and voter registration, that it uses to "mobilize the Christian voters," he said.

One target of the group's efforts was Kathy Chinoy, a freshman member of the state House, who had made a name for herself as an advocate for women and children. Chinoy said the coalition turned her reelection campaign into "a race of emotion and demagoguery" that misled voters and distorted her record.

Another current target of the movement is Cheryl Donelan, who won a seat on the school board last fall, despite Chris-

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censoring Halloween

There were no Halloween parties, jack-o'-lanterns, or paper black cats this year in the schools of Sheldon, Texas. There was no haunted house at Fairmount Elementary School in Canton, Ohio. No Halloween celebration at Coombs Middle School in Banning, California. No Halloween party at the elementary school in Pine Island, Florida.

In school after school across the country, the childhood tradition of Halloween masquerades, parties, and games has become an endangered species, victim of a spreading belief that the holiday is rooted in satanic ritual. "The children's Halloween we grew up with is no longer with us," declared James Williams, president of the Sheldon Independent School Board.

"More and more schools are listening to Halloween objections. Images of evil and violence just can't be made light of in a benign cultural event anymore," said Charles Haynes, executive director of the conservative First Liberty Institute of Fairfax, Virginia, which studies religious issues. "It's going to be harder for supporters of Halloween to dig their heels in."

Pro-Halloween parents and children object that the holiday is good-natured fun that has become a victim of sporadic trick-or-treat poisonings and vandalism that almost always are not connected with any school activity. "Why punish our children for what a few weird people do?" asked Sondra Perez, whose third grader wanted to wear a cheerleader costume to Sheldon Elementary School. "She wants to be a cheerleader, to pretend for just one day. That isn't devil worship."

Some parents in the 4,000 student Sheldon district charged that the ban was an abdication of responsibility. "The school should be at least one safe place where children can celebrate Halloween with controls," said Juliette Randle, whose ten-year-old daughter complained, "I don't see why we can't do it."

When the elementary school in Florida's Pine Island replaced its Halloween party with a "Fall Festival" two years ago after some parents objected for religious reasons, everyone was happy — except the children. Their complaints resulted in a community Halloween party.

Officials at Coombs Middle School in Banning replaced Halloween with "Reading is Fundamental Day," but they did tell students to dress up as favorite book characters.

Many of the moves against Halloween celebrations reflect the growing influence of evangelical Christianity. One of the largest Christian-oriented education groups, Citizens for Excellence in Education, distributes an anti-Halloween report that calls jack-o'-lanterns "a sacred image of the lord of the dead," says "the black cat is a living talisman" of witch power, and claims that the witch's broomstick is a phallic symbol of pagan rituals.

The report recommends that concerned parents be "prayer warriors" because "a spiritual battle is raging on this night

as covens of witches and other pagan religions call forth their demon spirits." Reported in: *Wall Street Journal*, October 29. □

censoring a dragon

One of the most frequently challenged curricular materials in public schools across the country is neither a graphic novel nor a permissive sex education program. It's a blue dragon named Pumsy.

Local groups, relying in many cases on information distributed by conservative religious organizations, have challenged "Pumsy in Pursuit of Excellence," a program designed to build student self-esteem, in at least thirty-five school districts around the country, according to Matt Freeman of People for the American Way. Uproar over the program, which is used in about 17,000 schools and serves in part as an anti-drug program mandated for districts receiving federal funds, also has provided a key issue for grassroots religious organizations seeking to place candidates on local school boards.

Opponents of Pumsy and similar programs like DUSO, for Developing Understanding for Self and Others, which employs a Dolphin character, and Quest, contend that children are being introduced to Eastern religion, the occult, "New Age" spiritualism, and relaxation techniques they characterize as hypnosis.

Pumsy was created by Jill Anderson, an author who noticed in her sixteen years of teaching that children with problems of self-esteem often achieved less than other, equally talented students. Pumsy is a preadolescent storybook dragon who struggles with bullies and Dragonese-language tests. She feels unattractive because she breathes too little fire.

Students are supposed to identify with Pumsy, who learns in the course of her adventures to overcome feelings of confusion and doubt, which she thinks of as "being in her mud mind," by thinking positive thoughts with her "clear mind" and creative thoughts with her "sparkle mind." This metaphor, having three minds or three different clusters of attitudes, was among those that provoked protest from conservative parents.

Anderson has grudgingly rewritten the curriculum to quiet the demands of conservative Christians, even as she dismisses the merits of their claims. "I have found them by and large to be totally unfounded and reactionary," she said. "But if you can reduce conflict in a community by making a few simple changes, why wouldn't you do that? They complained that we were teaching children to be schizophrenic. So in the new edition we simply added the explicit clarification: of course, Pumsy doesn't have three minds."

In earlier editions, students repeated Pumsy's mantra, "I am me and I am enough," a reference to a drug-free life. She changed this to "I am me and I am OK" to avoid what critics saw as a suggestion that children were enough without

their teachers, parents, or God. The repetitions were also dropped, to avoid any suggestion that students were chanting, as in an Eastern faith.

"Putting a child in an altered state and suggesting reliance on an inner authority undermines the child's respect for external authorities like parents and teachers," said Dr. George Twente, a Decatur, Alabama, psychiatrist who has written extensively about Pumsy and other self-esteem programs and spoken out against them.

The issue has spread beyond the classroom to the voting booth. In Clay County, a school district in northeastern Florida whose residents describe it as "pure Bible Belt," a battle over Pumsy and DUSO succeeded in more than just banning Pumsy from school classrooms.

Paul Fain, president of the Coalition of Concerned Citizens of Clay County, which was formed three years ago to advocate abstinence-based sex education, boasted that his group had elected five candidates to the seven-member board, in good part on the basis of their successful fight against the blue dragon.

Pumsy advocates in Montana, South Carolina, and Pennsylvania have collected pamphlets by Citizens for Excellence in Education, a conservative Christian organization run by Robert Simonds in Costa Mesa, California. Warning that Pumsy and DUSO "are guiding children down occultic pathways under the guise of self-esteem," the pamphlets also outline strategies for building local coalitions and influencing school boards. Reported in: *New York Times*, October 13. □

Fairfax board retreats on gay paper

As protesters outside shouted "Sodomites go home," the Fairfax County (Virginia) Board of Supervisors retreated October 11 from their threat to abolish the county library board unless it agreed to ban a gay newspaper. The Supervisors had voted two weeks earlier to oust the board, which has refused for nearly a year to yield to pressure to remove the *Washington Blade* from Fairfax's twenty-two library branches (see *Newsletter*, July 1993, pp. 101-02). But after learning that they lacked the authority to abolish the board, the supervisors could only repeat an earlier request that the newspaper be kept away from children.

"We tried to balance First Amendment rights and at the same time keep some pretty graphic stuff away from children," said board Chair Thomas M. Davis, III. The resolution, however, satisfied neither the anti-*Blade* group nor gay organizations, which have supported the newspaper that is distributed without charge.

The controversy hit county officials in December of 1992 when the library agreed to allow the papers to be stacked next to other free publications at library branches. Hundreds of parents, other residents, and conservative Christian activists complained that the publication promotes immoral and illegal behavior, and demanded its removal.

But the Library Board of Trustees, most of whose members are appointed by the supervisors, refused to comply, saying they had an obligation to protect the *Blade's* First Amendment rights. The *Blade* responded to the complaints by moving its often graphic personal ads to a separate section, which was not included in copies distributed at the libraries. That action, however, did not stop some protesters from removing copies of the newspaper from library distribution points.

Groups of approximately a hundred protesters began attending the regular monthly library board meetings to demonstrate against distribution. On March 24, the library board voted 8-4 in favor of continuing distribution and 9-3 to maintain copies in the collection at the local branches. In May, the Board of Supervisors suggested that the library board consider placing the newspaper behind counters or otherwise restrict its access to children and asked the library board to reconsider the issue. The library board again declined to change its policy.

"The majority of the community has said nothing about this," explained Phylis Salak, chair of the library board. "We have heard only from a small, but very vocal group." Salak said that in the course of the controversy, she had been spat upon and sent hate mail. "Surely the *Washington Blade* is not the issue," she added. "An attempt to compromise by us and an attempt by the *Washington Blade* to clean up its act was done, but it didn't matter, did it?"

Then, on September 27, the first day of Banned Books Week, anti-*Blade* forces gave the supervisors a video presentation of sexually explicit material purportedly taken from the newspaper's pages, although much of it came from the personal ad section that is no longer available at the library distribution points. With four members absent, the board voted 5-1 to instruct its staff to find a legal way to remove the *Blade* or, failing that, to abolish the library board.

Davis, a moderate Republican who dislikes confrontation, was among those who missed the meeting. Enraged by what had been done, mainly by members of his own party, he worked to withdraw the resolution, declaring that firing the library board was impossible because it would require three-years notice.

The October 12 resolution, which was passed unanimously, did not specifically mention the *Blade*, but called on the library to keep publications "potentially harmful to children" on high shelves, behind the checkout counter, or in a special section.

Blade publisher Don Michaels said he would sue the county if it succeeds in restricting access to the newspaper. "The county Board of Supervisors has again tossed a hot potato in the laps of the Library Board," Michaels said. "If indeed the Library Board takes steps to remove the *Blade* from public access," the paper will sue. "Anything that kids can be exposed to can be harmful. There's stuff on TV that makes the *Blade* pale by comparison," he said.

Blade opponents also criticized the resolution. "The county

is still involved in the distribution of a publication that promotes the commission of a felony," complained Falls Church resident Bill Wheaton.

Some library board members said the new resolution merely restated existing policy. "It'll have very little impact because we're already trying to do what they want us to do," said library board member Mark D. Sickles. But others disagreed. "*Washingtonian* and *Vogue* have some pretty explicit ads in them," said board member Linda Hunt. "We have to be very careful that we don't put the county in the middle of a lawsuit."

"I don't know if this will resolve the issue," added county library director Sam Clay. Reported in: *Washington Post*, October 12; *Publishers Auxiliary*, October 11; *Centreville Times*, October 13; *Washington Times*, September 29, October 4, October 12. □

church/state separation in danger

The following is excerpted from the Introduction to the Fifth Annual Report on Church-State Conflict in the United States, prepared by Americans United for Separation of Church and State, released September 20, 1993. The report lists controversies over church/state separation in each of the fifty states and the District of Columbia. The report was prepared by Robert Boston, Assistant Director of Communications for Americans United.

Most Americans believe that the separation of church and state is an important feature of American life that is necessary to safeguard religious freedom. But this does not mean separation of church and state is free of criticism or that the concept does not stand in jeopardy today.

In fact, separation of church and state faces at least two serious challenges that could undermine its ultimate survival. First, a vocal minority of activists affiliated with the Religious Right has launched a systematic war of criticism against the separation concept, including a propaganda campaign designed to mislead Americans into thinking that separation is a non-historical concept or that it is harmful to religion. Second, while polls show Americans overwhelmingly endorsing separation of church and state in concept, many seem to have difficulty understanding the need for it in practice. Uncomfortably large numbers of Americans say they favor ideas such as a school prayer amendment to the Constitution, tax aid to religion on a non-preferential basis, or the display of religious symbols by government.

Also of concern is the transitional nature of the federal judiciary on church-state issues. During the Reagan and Bush years, the Supreme Court came dangerously close to abandoning separation of church and state. The high court did, in fact, reinterpret religious free exercise in such a narrow manner that many observers charge that the Free Exercise Clause has been drained of much of its strength. . . .

Given these concerns, Americans United for Separation of Church and State decided five years ago to begin issuing

an annual report on conflict over separation of church and state in the United States. The document lists church-state conflict on a state-by-state basis and shows what types of problems are occurring around the country.

Like its predecessors, this report, the fifth annual, includes a wide variety of church-state problems from every area of the nation. . . .

The report covers the period of September, 1992, through August, 1993. Incidents were drawn from numerous sources; many were sent to Americans United by members. Others were taken from media accounts or drawn from Americans United's action files. This report focuses on church-state problems in the states and does not include controversies at the federal level.

Findings

Church-state conflict was reported in every state and the District of Columbia. Some states reported multiple problems. Although California has led the survey with the most number of reports for the past four years, this year Michigan topped the survey with 14 incidents. California followed with 13. Texas reported 12; New Jersey totaled 11 and Virginia 10. New York, Indiana, and Wisconsin had nine. Colorado, Tennessee and South Carolina reported eight.

A total of 247 incidents was reported. This is the highest number yet and represents a significant increase over last year's total of 196 incidents in 48 states.

One factor that may account for the large increase in incidents in this year's report is a campaign organized last spring by Pat Robertson's American Center for Law and Justice. The Religious Right legal aid group sent mailings to public school officials threatening to sue them if they did not allow prayers during graduation ceremonies. As a result, disputes over prayer erupted in communities across the country. (The conflict was especially severe in Michigan, Indiana, and Virginia.) Many of the graduation prayer disputes are listed in this report, and their presence has boosted the number of disputes over religion in public schools to an all-time high.

The report categorizes church-state conflict into four areas:

- **Public Funding of Religious Organizations:** Religious groups in the United States are expected to rely on voluntary contributions to pay for their programs and activities. Giving sectarian agencies tax funds and allowing them to be used to promote religion transgresses the First Amendment. Nevertheless, many religious groups lobby for tax aid, especially public support to pay for parochial schools. This category includes attempts to fund sectarian schools or other institutions through vouchers, tuition tax credits and deductions, textbook loans, transportation aid, etc.

- **Religion in the Public Schools:** In order to serve a diverse student population and protect parental authority in matters of theology, the American public school system is religiously neutral. Across the nation, aggressive Religious Right groups are working to upset this neutrality. This

category includes disputes over state-sponsored prayer and other religious exercises in public schools, prayers before commencement exercises and other school events, Bible and religious literature distribution, religious proselytism, "creation science" and disputes over religious holidays.

- **Free Exercise Disputes:** Government is forbidden by the First Amendment from making laws "prohibiting the free exercise" of religion. Over the years, courts have grappled with the question of how far this principle should be taken. Recent court rulings have narrowed the scope of free exercise protections. This category includes incidents of state meddling in religious freedom through various means, including efforts to outlaw or curb certain religiously motivated practices and attempts to restrict houses of worship through zoning, historic preservation laws and licensing.

- **State Endorsement of Religion:** The First Amendment is a command that government at all levels refrain from entangling itself with religion, neither promoting nor inhibiting its practice. This ideal is violated when government officials involve themselves in the promotion of sectarian views or religion generally. This category includes controversies over the display of religious symbols on public property, government promotion of religious holidays or events, issuance of sectarian proclamations and disputes over prayers before meetings of government bodies.

The state-by-state breakdown found the following results in each category: Religion in the Public Schools: 111 incidents in 38 states; Free Exercise Disputes: 46 incidents in 31 states; Public Funding of Religious Organizations: 47 incidents in 28 states; State Endorsement of Religion: 43 incidents in 30 states. □

in review

An American Paradox: Censorship in a Nation of Free Speech. Patrick Garry. Praeger, 1993. \$22.95

Although the United States is a nation of speakers, it is also a country in which censorship has often sought to regulate that speech. This book helps one understand the national character and identity of a democracy which is fluid and changing. Changes identified include its social life, an economy in disarray, violence and homelessness in cities, racial tensions, a questioned value system, and a political system which tests our confidence. In this age of insecurity, change, and confusion, censorship has proliferated.

Garry, a visiting scholar at Columbia University School of Law and a fellow at the Freedom Forum Media Studies Center at Columbia, examines the nature of censorship and the social impulses that produce it. This thought-provoking book looks at our national psyche and the cultural wars that are resulting in restrictions on speech in the arts, music, television, and in our universities. This extremely well-written commentary helps librarians and the general public

understand the censorship impulse within the complex American social fabric.

Despite the lessons of history, censorship continues to flourish. Although the United States is probably the most tolerant country, attempts to limit access to certain materials continue to be widespread. In fact, advocates of freedom on some issues have ended up as the promoters of censorship on others. These conflicts have grown more emotional and divisive. The author maintains that is why it is so important to try to discover the causes of contemporary censorship.

He says that truth is no longer a defense for the free expression of ideas because Americans have altered their concept of truth. He cites the alarming censorship movement of political correctness which has invaded our universities. And because we are an immigrant nation with no prescribed racial, ethnic, or religious identity, we continue to search for who we really are.

Censorship, he says, has become the last option as we attempt to restrict sexist and pornographic speech to protect women's rights, dictate television programming to protect children and parental rights, and limit expression to prevent racism and prejudice. His description of the search for quality speech sounds like a prescription for deselection in our library collections, the weeding out of all unnecessary clutter. He describes it as "...the street-cleaner of the public dialogue".

The idea that censorship thrives in strong or tight-knit communities has often been heard. The author argues the opposite. He feels that it occurs in weak and unstable communities where you find crime and the decline of public education and child safety. Insecurity results and censorship will shortly follow.

This volume brings insight to the "why" we find ourselves facing the constant increase in censorship attempts. The author's examples of challenges and his references to our history adds to the free-flowing prose of this book. His detailed notes and his list of suggested additional readings are also helpful. This title is a new perspective and is highly recommended for library collections on intellectual freedom and censorship.—Reviewed by Gene D. Lanier, Professor, Department of Library Studies and Educational Technology, East Carolina University, Greenville, North Carolina. □

Sex, Sin and Blasphemy: A Guide to America's Censorship Wars. Marjorie Heins. NY: The New Press, 1993. 210p. bibliography, index. \$22.95, hardcover.

I finished reading *Sex, Sin and Blasphemy* the day Bill Clinton named Jane Alexander to head the National Endowment for the Arts. With Alexander confirmed by the Senate, I recommend this book to her and all who need a concise and clear explication of the malignant censorship that has been gnawing at the heart of all things cultural in the United States. Heins, the founding director of the Arts Censorship

Project of the American Civil Liberties Union, has spent two years on the front lines of the "cultural wars," and as delineated in the preface, has been involved with most of the influential organizations and individuals dedicated to the defense of freedom of expression.

This slim volume consists of an explanatory introduction and eight tightly written, clearly worded chapters on obscenity (an indefinable dirtiness), film censorship, government threats, challenges to rock music, nudity, government funding of the arts, pornography (another indefinable dirtiness) and, finally, such "sins" as blasphemy and subversiveness. These discussions are followed by a word on how censorship is used as a scapegoat in dealing with the real world and an "Afterword" on what the concerned citizen can do to work against the organized attacks on freedom of expression.

There are also extensive notes on sources, including all the court cases cited, and a bibliography of thirty-three titles, including the reports of both the 1970 and 1986 Pornography Commissions, but not Martha Cornog's *Librarians, Erotica and Pornography*. Although Heins's book does not speak directly to the library profession, I believe the articles gathered by Cornog are as valuable a background for all those concerned with this subject as are most of the titles listed; anyone exploring the culture wars must know the dilemmas that libraries and librarians face regarding these matters.

In the introduction, Heins recapitulates what the book is and does: "This book is a product of the censorship wars. It surveys the different fields of combat, from criminal prosecutions to funding controversies to film ratings and the labeling of music lyrics. It explores both the direct and subtle ways that censorship happens, that powerful or vocal institutions succeed in silencing or suppressing ideas, images, and entertainment they find offensive or threatening. And it argues that all Americans need to care about these issues—even if we aren't artists ourselves, even if we find some of the art that's attacked objectionable, and even when we're not sure if it's 'art' at all." (3)

In the September, 1993, *Newsletter*, I reviewed *The Culture Wars*, edited by Richard Bolton. That chronology of the battle over the NEA is a fine companion volume to Heins's book. All libraries should have *Culture Wars* as a reference and a reminder; all librarians should have a personal copy of *Sex, Sin and Blasphemy*. The simplicity with which Heins discusses very complicated constitutional, political, moral and legal issues is not unusual in such writings. Even those who have the most limited knowledge of the subject will understand, and those, like many who read this *Newsletter*, who have been immersed in it for years, will find a new sense of the immensity and severity of what is happening to our culture. If you read no other book this year on this most significant and ominous intellectual freedom issue, this should be it.—Richard M. Buck, Assistant to the Executive Director, The New York Public Library for the Performing Arts. □

Leaving Town Alive. John Frohnmayer. Houghton Mifflin, 1993. \$22.95. 360p. indexed, with b&w photos.

The fired Director of the National Endowment for the Arts gives his version of what it's like to run an organization while it's being used as a bloody shirt by rabble rousers. His intimate and readable account will interest heads of public agencies who could easily find themselves in similar circumstances, fans of Washington insider stories, foes of censorship and, of course, Jane Alexander.

Frohnmayer craved the job because he was an arts supporter. Coming from a religious Republican background, he was acceptable to the Bush administration and, tentatively, to those who were already milking media attention by condemning the NEA. He soon found, however, that his vision had little in common with their agendas. Priding himself on his ability to get people to find common ground, Frohnmayer alienated both ends of the cultural spectrum. He readily admits his mistakes and describes his growing awareness that compromise offered nothing to those who were grandstanding over "art" that often wasn't even NEA-funded.

"I know now that my focus was wrong. Instead of depending on the process, I was trying to make the necessary aesthetic judgements myself," he writes. "Instead of saving the Endowment by demanding that Congress and the administration support the arts, warts and all, or giving up and admitting that our society is not strong enough to withstand controversy, I was trying to find middle ground that would appease everyone. Congress was in a depression of courage, and I didn't want to be the one to take the Endowment down in flames" (176).

He challenges the often suggested alternative that art should pay its own way in the marketplace: "Good art can sometimes also be popular art. But the marketplace, as network television has shown us, seldom calls forth our best, and to appeal to the lowest common denominator is hardly an admirable goal for a democratic government" (145-6).

He points out that the demagoguery exercised over the NEA echoes Hitler: "It is not the function of art to wallow in dirt for dirt's sake, . . . Art must be the handmaiden of sublimity and beauty and thus promote whatever is natural and healthy. If art does not do this, then any money spent on it is squandered" (45). He understands the politician's fear of the "my opponent voted for pornography" sound bite, but condemns the ease with which many abandoned the First Amendment and assumed that financial support equates with endorsement. "The government is not the sponsor of any idea that is produced by an artist. The ideas belong to the artist; the government is merely an enabler. The government provides the soapbox, the artist the message" (163).

With his recommendations for the future of the NEA, he poses questions that are vital to government support of the arts, whether through endowment grants or through libraries. "Can (or should) a society as diverse as ours come to some definition of American culture? Is our country's contribu-

tion to culture one of process rather than objects? Has democracy, and particularly the protection of speech, religion, and assembly under the First Amendment, had a defining effect on American culture? Does the Fifth Amendment's protection of private property always supersede the moral claim to an object of a tribe, community, or nation? Who can speak for cultural policy and teach it? Can only those who are genetically related to a culture sing its songs, dance its dances, and tell its stories, or, in a living culture, can all people use and manipulate the symbols? If culture is defined more broadly than just objects and architecture, then what are the limits?" (342).

All the arguments that Frohnmayer faced and the principles he articulates can easily be transferred to taxpayer supported libraries. This candid examination of strategies that didn't work is unusual and valuable in a subject area that runs to pep talks and viewing with alarm. *Leaving Town Alive* should be available to all citizens and should be studied by administrators of cultural institutions.—Reviewed by Carolyn Caywood, Virginia Beach Public Library. □

results of a "feminist" porn law

It seemed a real victory for women. In a unanimous opinion, the Supreme Court of Canada ruled that materials "degrading" to women could be classified as obscene — and banned. "If true equality between male and female persons is to be achieved," concluded the court, "we cannot ignore the threat to equality resulting from exposure . . . to certain types of violent and degrading material."

That was in February, 1992, and across Canada — and the U.S. — many women cheered. Some feminists in both countries had insisted that pornography was expression that menaced women, and, hence, needed restriction. Feminist legal theorists like Catherine MacKinnon had sought, and continue to seek, often in alliance with religious conservatives, passage of laws banning such expression. In the U.S., their efforts were frustrated by the well-tested constitutional standard of the First Amendment. But Canada's highest court agreed with them, and their ideas could at last be implemented.

"It was a watershed event," said Kathleen Mahoney, a University of Calgary law professor who argued the landmark case of *Crown v. Butler* before the Canadian high court. In Ottawa, Parliament members rushed to embrace the ruling, which also broadened and defined what is obscene. The House of Commons and provincial legislatures could now with confidence write laws against kiddie porn and serial killer trading cards. In the press, editorial writers held out the hope that vice squads, armed with the court's new guidelines, would go about their business more astutely, focusing on the truly "dangerous" and avoiding such fiascos as the seizure of the film version of Gunter Grass's *The Tin Drum*.

Now that enough time has passed to consider the effects of Canada's celebrated and daring court ruling, however, it seems that the goal of making Canada a safer place for women is still far from being met. For it turns out that defining pornography along feminist lines, by judging its "harmfulness to women," is no more elegant or easy a task than setting boundaries the old-fashioned way, along moralistic lines.

According to John Preston, a writer of gay erotica, the first problem was the age-old question of *who* censors. "In Canada," he writes, "courts decide what Canadian publications are obscene. The Canadian courts do not rule on work being published elsewhere and being imported into Canada. That duty — and the judgment of the value of the rest of the world's literature — was left to clerks of the Canadian Custom Office. Often, it would turn out, the duty went specifically to college interns. None of them were given any training."

The experience of Robert Lally, a retired psychologist, exemplifies the pitfalls authorities are encountering. Lally, an American who became a naturalized Canadian citizen, was the subject of one of the first pornography arrests, post-*Butler*. He had worked with child molesters in his group therapy practice and said he learned interesting things about the workings of pedophiles' minds.

"At one of the meetings, one [participant] said that he could walk past a school yard and within thirty seconds know which little girl he could get to come with him," Lally said. "And all of the others said, 'Yeah, that's right.'"

That gave the psychologist an idea. Write a novel explaining to lay readers how pedophiles think and operate. The main character would be a composite of his patients. "It was supposed to disgust people and frighten the hell out of them, so they would say, 'Let's do something about pedophiles,'" Lally said. "It is estimated that by the time a pedophile is caught, he has committed a minimum of 300 assaults. They're very clever."

Lally, in other words, wanted to use his professional skills to inform and protect the public about sex crimes. Yet the plan backfired. Under *Butler*, Lally's work itself was found to be obscene.

Lally's troubles began when he mailed his manuscript to a literary agent in Colorado from the town where he lives in rural Alberta. The agent told him that the book looked intriguing, but warned him that her specialty was screenplays and that it could take time before she could make it through a book-length work. Lally asked her to return his manuscript, which she did — just after *Butler*.

Now authorized to stop obscene materials harmful to women at the border, Canada Customs intercepted the manuscript. Lally complained to his member of Parliament and the media. In response, the Royal Canadian Mounted Police and a Customs officer raided his house. They seized his only other copy of the manuscript, took the file of rejec-

tion letters he had already amassed and even talked about impounding his computer, until he persuaded them that he had written the book on an old typewriter. Then they clapped this porn kingpin into the back seat of their squad car. (Lally had a clean police record until that point.)

Lally's problem lay in the new definition of obscenity. Previously, Canadian law saw obscenity as a violation of community moral standards. But now the justices had ruled that materials could be considered obscene if they menaced certain people by threatening to deprive them of their role in an egalitarian Canadian society.

The court established three categories: It said that explicit sex involving violence was "almost always" obscene; that explicit sex involving children was obscene; and that explicit sex that is "degrading and dehumanizing" was obscene if his risk of harm to society was substantial.

"Terms like 'degrading and dehumanizing' are essentially undefinable," commented Robin Metcalfe, a gay author in Halifax whose published stories have also been seized by Customs under the new definitions. "What I may consider pleasurable and uplifting, someone else may consider degrading."

Customs believed that Lally's book fit the *Butler* standard because it involved sex with both women and children, and because in one scene the pedophile beat up a little girl — depictions specifically proscribed by the high court. Lally took his case to the Alberta attorney general, however, and came away with a ruling that the child sex and violence in his book were not obscene, given the broader context of the novel.

Lally's case was no fluke, however, and not all similar incidents ended as benignly. Across Canada, officials emboldened by the new Supreme Court guidelines have censored works that seem to have little or no bearing on the well-being of women.

- At Le Dernier Mot, a political bookstore in Montreal, censors seized two works by Andrea Dworkin, an American anti-porn feminist who, ironically, has been among the most forceful and vocal advocates of censorship. Customs claimed that her books, *Woman Hating* and *Pornography: Men Possessing Women*, illegally eroticized pain and bondage. After a wave of metaphoric laughter swept the media, Customs acknowledged it had erred. But the problem was that some of the very images and words reproduced by Dworkin to defend her contention that pornography harms women were indeed obscene under the ruling and Dworkin herself was arguing that these should be banned.

- At Pages Books and Magazines in Toronto, censors carted off some 1950s "cheesecake" trading cards, a scholarly tome on dominance and submission, and a non-sexual punk magazine called *Piercing Fans International Quarterly*, even though Pages will not carry even conventional adult magazines such as *Playboy* on the grounds that they are "sexist."

The body-piercing magazine and the dominance treatise

evidently qualified as "degrading and dehumanizing" behavior under the *Butler* ruling. The trading cards were censored because one set — showing two laughing women in leather trousers tying each other up — was titled "Betty in Bondage." Under the *Butler* rules, "bondage in a sexual context" is taboo.

"Sexual context?" asked Pages' Lucinda Johnston. "There is not even a suggestion of sex in any of the photographs. Censorship is flourishing in Toronto since the *Butler* decision."

- At the Glad Day gay bookstore in Toronto, plainclothes officers bought a copy of *Bad Attitude*, an exuberant lesbian sex magazine, a few weeks after *Butler* was decided, then arrested the store owner and cashier on obscenity charges. Glad Day went to trial and complained of a double standard. Its lawyers reminded the court that *Hustler* magazine and Madonna's *Sex* treat the same themes as *Bad Attitude* and weren't under ban in Canada. But the judge found *Bad Attitude* obscene all the same, and fined Glad Day.

"There are only two lesbian sex magazines in existence, and there's millions of sex magazines out there for men," Glad Day manager Kimberly Mistyshyn complained. "It's really sad that the *Butler* decision, which was supposed to be positive for women, has deeply affected the lesbian community. The lesbian community consists of women."

In fact, as gay writer Preston points out, "Almost all of the books that have been seized by Canadian Customs since the law went into effect have been shipments made to the three lesbian and gay bookstores in Canada." Moreover, according to Preston, "All the books that have been seized have been published by small presses."

"My two titles that are involved in the court cases are perfect examples of what the censors want to stop people from reading," Preston explained. "*I Once Had a Master and Other Tales of Erotic Love* and *Entertainment for a Master* are both sexually explicit works of fiction, but they're certainly literary by any but the most restrictive measure. They certainly were written with a literary intent and my critics say they show a nice touch of skill. But they are erotic homosexual stories (that's their first problem) and they're published by Alyson Publications in Boston, a small gay-owned press (that's their second)."

"I've recently edited two volumes of erotica, *Flesh and the Word* and *Flesh and the Word 2*," he continued. "They are purposely provocative and unreserved. They are also published by a division of Penguin, one of the largest publishers in the world. Do you think that Canadian Customs has stopped the importation of those books? Of course not."

Meanwhile, at least one producer of sexually explicit material claims that doing business has, for him, been easier since the celebrated anti-pornography ruling. Randy Jorgensen owns a national chain of X-rated film and

(continued on page 39)

censorship dateline



libraries

Kansas City, Missouri

The donation of two gay and lesbian-themed books to the libraries of 42 area high schools resulted in complaints by parents, some of whom publicly burned one of the donated volumes.

Project 21, a national group that seeks to give young adults "fair, accurate and inclusive images of lesbians and gay men," gave copies of *Annie On My Mind*, by Nancy Garden, and *All-American Boys*, by Frank Mosca, to the high schools. On October 7, about fifteen people participated in a protest in front of the Kansas City School District offices during which a copy of *Annie On My Mind* was set afire.

Most districts were still reviewing the books and had not decided whether to add them to library collections, but even the prospect of consideration was cause enough for concern to some area residents. "They are here to seduce your son and recruit young men and women in the gay and lesbian lifestyle," Regina Dinwiddie told the demonstrators outside the school district offices.

Many of the protesters said they had already taken their children out of area public schools and enrolled them in Christian schools to avoid such influences.

The Shawnee Mission School District received about fifteen calls from concerned parents. *Annie On My Mind* was already available at three of the district's five high schools. After reviewing the books, Shawnee Mission librarians decided to add *All-American Boys* to their collections.

Kansas City, Kansas, School District, on the other hand, donated the books to the public libraries there, which are operated by the school board. The district received no complaints from parents.

Robert Birle, a coordinator for Project 21, said he hoped parents would read the books before forming opinions. "Certainly, parents have a right to make decisions about what their children are reading," he said. "But by making decisions about what libraries offer, they make that decision for all parents and for everyone's children." Reported in: *Kansas City Star*, October 8.

Lawrence, New Jersey

Daddy's Roommate, by Michael Willhoite, won't be allowed back on the shelves in the children's section of the Mercer County Library System. Despite protests from county residents against last summer's decision to move the book, along with *Heather Has Two Mommies*, by Leslea Newman, from the children's section to the adult section (see *Newsletter*, November 1993, p. 177; July 1993, p. 126), the Mercer County Library Commission refused September 14 to reconsider its decision to reshelve the book. A group of residents addressed the commission at that meeting in criticism of the reshelving. Reported in: *Lawrence Ledger*, September 16.

Westerville, Ohio

A Westerville parent wants children's books that focus on violent stories removed from the school district's library shelves and PTA book sales. Emily Haniger told Westerville school board members September 13 that such literature has no place in the district. She asked board members to form a task force of doctors, psychologists and child behavior specialists to study the effect of violent stories on students. Reported in: *Westerville News*, September 15.

Ennis, Texas

The Ennis Library Board was asked October 4 to remove the book *Halloween ABC*, by Eve Merriam, from the shelves of the Ennis Public Library. Reported in: *Ennis Press*, October 15.

Fairfax, Virginia

The Fairfax County School Board on October 28 rejected a compromise on whether children below grade six should read a controversial novel that some parents objected to because they believe it portrays blacks as inferior to whites. *Jump Ship to Freedom*, by James Lincoln Collier and Christopher Collier, first drew fire from some black parents last year. At the urging of Robert E. Frye, who was a school board member until June 30, the board voted in June to keep the book away from most elementary school pupils in both classrooms and libraries (see *Newsletter*, September 1993, p. 146).

Six new board members, including a student member, joined the board July 1. The student member asked the board to review the issue. In an attempt at compromise, it was proposed to allow teachers to use the book in instruction, with some restrictions. But a strong outcry from black parents convinced the majority that the book should remain

unavailable to children below grade six. Reported in: *Washington Times*, September 29, October 29.

Rice Lake, Wisconsin

When Luana Kelley's ten-year-old son brought home the poetry book *Halloween ABC*, she began to read it to her 5- and 7-year old children. She stopped reading and started questioning the Cameron Elementary School's choice of library books when she read the poems "Demon" and "Icicle." Kelley charged that those poems promote satanism, murder and suicide. "I am mortified that this is available to my fourth-grader."

"It's not that I have anything against Halloween," Kelley said, "but this is demonology, murder and suicide." *Halloween ABC*, published in 1987, contains 26 poems and illustrations. It has been available at the Cameron school since 1988 and has been checked out over fifty times. Reported in: *Rice Lake Chronotype*, November 3.

Rock Springs, Wyoming

On October 25, the Sweetwater County Library Board received a formal request to remove *Do or Die*, by Leon Bing, from library shelves. The book includes interviews with juveniles involved in gangs in the Los Angeles area. The couple making the request said the book tells young people how to become involved in a gang.

Rock Springs Police Commander Glenn Grymes said he disagreed with the banning request. "It should be required reading for all parents of teenagers," he said. "It shows what can happen when society falls apart." Reported in: *Rock Springs Daily Rocket-Miner*, October 27.

schools

Anaheim, California

Parental complaints against the approval of two books on an approved reading list led to an attempted recall of four members of the Anaheim Union High School District board of trustees. Board members targeted for recall included the board president and another board member who led a recall movement of her own fourteen years ago against two trustees, charging censorship of classroom materials.

The leaders of the latest recall movement said they objected to the board's approval of two books, *Ordinary People*, by Judith Guest, and *The Great Santini*, by Pat Conroy (see *Newsletter*, November 1993, p. 192). The group charged that *Ordinary People* promotes teenage suicide and that *The Great Santini* is "vulgar, defiles religion, and is not appropriate for students." Reported in: *Los Alamitos News-Enterprise*, September 23.

Corona, California

The classic novels, *The Catcher in the Rye*, by J.D. Salinger, and *Brave New World*, by Aldous Huxley, may no longer be required reading for juniors and seniors if two Corona parents have their way. The parents claim the books conflict with the Corona-Norco Unified School District's health curriculum regarding sex, which suggests abstinence until marriage.

"They [the books] contain behaviors that are less than ideal," said parent Joan Thacker, who along with Nancy Waldvogel made the request to the school board October 19. She acknowledged that the books have literary merit but said they "are centered around negative activity," and the impact of such books on students must also be considered.

"We would like to see them retired to the shelves of the school library," Thacker said. The parents suggested that students be required instead to read books more in line with the curriculum's recommendation and containing more positive themes. "We're not asking them to ban the books. But with the curriculum, why are we requiring this?"

The parents first tried unsuccessfully to have the Salinger book removed from the list in 1990, but tried again after the health curriculum was adopted, since the curriculum spelled out "in black and white" what the district wanted the students to learn, Waldvogel said. Their request was examined by a district review committee, which ruled that the books do not actually contradict the curriculum. The parents then appealed to the school board. Reported in: *Corona Independent*, October 27.

Simi Valley, California

At an October 26 press conference, Simi Valley school board trustee Tom Baldwin distributed sixteen pages from *The Valley of Horses*, by Jean Auel, which describe in lengthy and graphic detail a man's sexual encounters with several women. Baldwin said he wants such books removed from the recommended reading list at Moorpark High School.

Baldwin told the press that he had been working for a year to get Auel's *The Clan of the Cave Bear* series removed from the school's eleventh-grade reading list. During a meeting with English and History teachers and administrators at the high school, however, he was accused of censorship.

"While most of these individuals would admit the books were blue, there was a reluctance to take them off the recommended reading list on principle. To do so they felt would be to submit to censorship," he said. "I worked behind the scenes on this problem in hopes of avoiding the ill will of our staff. However, the time has come to make parents aware that works containing hard-core graphic sexual content are on the list of books recommended for their children to read by our high school. To keep this under wraps any longer would violate the trust of parents."

Superintendent Tom Duffy said there had been two infor-

mal meetings about Baldwin's complaint. "There was a review of this," he said, "and members of the faculty had done a very committed and thorough review." Baldwin said he would appeal that review. Reported in: *Simi Valley Enterprise*, October 27.

Sutter Creek, California

A book selected for use in an innovative interdisciplinary class at Amador High School will go unread by students this year because of a brief but graphic passage involving homosexuality. *Kaffir Boy*, the autobiography of South African Mark Mathabane, was withdrawn from consideration by the Amador County Unified School District board of trustees October 13 at the request of Principal Joe Garcia.

"I decided that one passage was fairly graphic and our students didn't need to be exposed to it," Garcia said. "If [the book's] message is that there are problems in South Africa, there are other books that can convey that." Mary Ann Tierney Kelley, one of the founders of the course aimed at teens who are at risk of dropping out of school, said she was disappointed and frustrated by the decision.

"We're trying to find high-interest books about kids who pull it all together," she said. "We are trying to find literature to fit our history lessons."

Kaffir Boy and three other supplemental books were requested by the course's teachers last spring, but the books met with opposition and were referred for evaluation. Superintendent Ken Sherer said several people looked at the book, but when the twenty-paragraph passage was deemed offensive, the readers conceded they might have missed that page.

"The principal took a look at that one section, and had others look at it, and decided he didn't want it," Sherer told the board. "If anything good has come out of this, it's that it won't happen again."

John Halverson, assistant superintendent of schools for curriculum, said the book had bypassed the usual review process because it was not part of a core curriculum. "We've just never had a past precedent for this," he said. "It looks pretty stumbling and indeed it is."

Board member Dennis Rodman said the board had been sidestepped. "Do we want supplemental text books to become the decision of one person's judgement," he asked. "I don't want my children's education chosen by one person — yea or nay." Reported in: *Amador Ledger-Dispatch*, October 15.

Dover, Delaware

A Dover parent asked the Capital School District October 25 to ban a novel at West Dover Elementary School because it is offensive to African-Americans. Victoria Murray asked that *Runaway to Freedom*, a story about slaves escaping on the Underground Railroad, be removed from the fourth grade curriculum. She objected to a passage in which one of the

slaves said, "Massa lay on the feather bed and nigger lay on the floor."

Murray said the words embarrassed her nine-year-old son who was assigned to read the book. "I think the basic issue here is not whether I object to the book or its contents, but whether or not the book needs to be introduced to fourth graders," she said. "There are too many other books that could have been used. I don't feel that one parent should be able to go in there and censor what is put in the schools. I just feel there should be more sensitivity." Reported in: *Dover State News*, October 27; *Dover Post*, October 27.

Keene, New Hampshire

The father of two Keene Middle School students wants the school to clean up the language some of its students encounter in English class. Gale L. Hamlin filed a complaint with the school about passages in *Best Selling Chapters*, a textbook used in the sixth grade. He objected to some of the language and subject matter in the textbook, specifically in passages from John Steinbeck's *Of Mice and Men*; *To Kill a Mockingbird*, by Harper Lee; and *A Day No Pigs Would Die*, by Robert Newton Peck.

Hamlin objected to the presence in the passages of such expressions as "crazy bastard," "hell" and "damn," "Jesus Christ," and "God almighty." "How can we tell kids not to use bad language in the hallways when we have them reading it in the classroom," Hamlin said. "The public schools won't allow students to pray to Jesus Christ in school but they do allow his name to be dragged through the mud and used in vein. This type of language is offensive to me as a born-again Christian."

Hamlin said he was also concerned that students reading *To Kill a Mockingbird* are exposed to the subject of rape. The passage from the book that appears in the text does not directly refer to rape, but a short synopsis of the book that serves as an introduction includes the word twice. Hamlin said he wants the school to remove the offending passages and replace them "with material that hasn't got filthy language in it." Reported in: *Keene Sentinel*, October 2.

Bernards Township, New Jersey

An effort to remove a book by Salman Rushdie from a ninth grade English honors course was filed October 25, but triggered a much broader debate that led the Board of Education to call for a complete overhaul of the curriculum guide.

After a ninety-minute debate, Superintendent Adrienne O'Neill withdrew the course curriculum from a vote and told the board that a revised version would be drafted to address, among other things, a concern that English teachers recommend books they have not necessarily read. The current curriculum for the course remained in effect, meaning that its list of twenty-six optional books continued to include Rushdie's *Midnight's Children*.

Board Vice President Mohammad Ali Chaudry, who raised

objections to the Rushdie book in September, reiterated his contention that it was inappropriately listed. He said his objections were reinforced after a recent meeting with English Department faculty in which he was informed that they had not read the book. "If the teachers do not read the material and cannot deal with complex cultures," he said, "how are they going to help students judge if the writer is providing a correct point of view? I'm appalled, quite frankly, at the lack of rigor we are accepting from our staff. If we want to have quality instruction and delivery, we must begin with well-thought-out, well-prepared material."

Other board members quickly seized on the broader aspects of the issue. "The question goes beyond individual items," said board member Michael Byrne. Board member Michelle Marvel said that in reviewing the curriculum she was disturbed that English 9 Honors was not correlated with World History Honors.

"I don't think the issue of banning books is even here," Marvel said. "The course guide is flawed from beginning to end."

Rushdie, who wrote *Midnight's Children* in 1981, gained worldwide notoriety eight years later when passages in another of his books, *The Satanic Verses*, led some Moslem leaders to accuse him of blasphemy. A threat of execution sent the author into hiding (see page 1).

Chaudry argued that the book by Rushdie, which had been listed as representative of British-Islamic culture, did not belong on the list because Rushdie has offended people of the Islamic faith and is simply not as talented as other Moslem writers. Reported in: *Bernardsville News*, October 13, 27.

Canton, North Carolina

Bats in the Belfry, a play depicting four good witches and an evil warlock, never saw its second night on stage at Pisgah High School in Canton in late October. School administrators canceled the second and final performance under pressure from some Canton residents who cited religious objections. The decision prompted a small student walkout near the end of the school day.

The play, an extracurricular program, was cut out of concern for student safety, not because of the objections, officials said. Some cast members had been called at home and harassed, said Superintendent Karen Campbell.

The Rev. Roy Kilby, pastor of the Bethel Baptist Church, said he placed two calls condemning the play himself, as did members of his congregation. Kilby said he did not see the play and had not read the script. But he objected to it because it joked about "connotations and the influence of satanism and witchcraft."

"This is not about censorship. This is about morality and what is right for society," Kilby said. "These are not things to be joked about." He said depictions of witches should be kept out of public schools as long as prayer is barred. Reported in: *Greenville Daily Reflector*, November 6.

Kirkland, Washington

Julie Bergman will get another crack at persuading the Lake Washington School District to remove a Japanese novel from high school English classes. Citing procedural errors, the district granted Bergman another hearing on her request to remove *The Sound of Waves*, by Yukio Mishima, a love story set in a Japanese fishing village, from district classrooms.

Bergman argued that the unanimous rejection of her complaint by an eight-member review committee had been done in a closed hearing in violation of state open meeting laws. The district's attorney agreed with her.

"I consider it a pornographic book," said Bergman, whose son read it last year in a sophomore honors English class at Lake Washington High School. In her complaint, Bergman cited 21 pages that were "crude, vulgar, degrading to women, seductive, enticing and suggestive." She said the book "devotes four pages to the sensuality of a woman's breast." She also objected to an "attempted rape" and a love scene in which the young couple undress.

District officials and the review committee concluded, however, that the book, which won numerous awards in Japan when it was published in 1954, is a sensitive love story. And Bergman acknowledged that a public rehearing of her complaint was not likely to reach a different result.

But whatever happens to Bergman's initial complaint, the school district will not be out of the woods. Bergman said she is working with about twenty other district residents who may challenge other books they consider inappropriate. Bergman also began circulating a petition calling on the board to protect students "from books and videos that depict violence, vulgar language and sexual activity."

In late September, Barb Keck, a former PTA president who is working with Bergman, announced that she would ask the district to remove *Soul Catcher*, a novel by Frank Herbert about Native Americans, from another English class. "There's a very explicit sex scene," said Keck.

Keck said she didn't care if *Soul Catcher* remained in the school library, but she considers it inappropriate for the classroom. Bergman's son isn't in the class, and Keck is home-schooling her tenth-grade son. Even so, Keck said, she remained concerned about the public school system as a taxpayer and church youth leader. Reported in: *Bellevue Journal American*, September 11, 14, 30, October 9.

student press

Iowa City, Iowa

A columnist who was fired by the University of Iowa student newspaper filed a complaint with the university's Human Rights Committee seeking reinstatement on the paper. Jeff Klinzman said that he was fired from the *Daily Iowan* September 10 because he actively campaigned for the firing of another columnist, David Mastio. Mastio had written a

column August 30 justifying the shooting of an abortion doctor.

That column stirred up considerable controversy on campus and a new group — the Coalition Against Terror — had called for the dismissal of Mastio and the banning of another campus publication. The *Campus Review* had displayed a “gerbil quilt” in a case at the student union as a parody of the AIDS quilt, a memorial to those who died of the disease. Reported in: *Daily Iowan*, September 8; *Cedar Rapids Gazette*, September 9; *Des Moines Register*, September 24.

Baltimore, Maryland

A debate over free speech erupted in late September on the campus of the Johns Hopkins University after a student newspaper published an editorial cartoon featuring an anti-Chinese slur and hundreds of copies of the paper were stolen, apparently by angry students. Student groups and university administrators condemned both the cartoon, which appeared in the September 24 issue of the *Johns Hopkins News-Letter*, and the subsequent theft of the newspapers.

The *News-Letter* cartoon was commissioned to accompany an editorial column by an Asian-American freshman complaining that Hopkins students tend to socialize only with others of the same ethnic background. In the cartoon, created by three undergraduates, a male Asian student sits at one end of a couch with a female white student at the other. The man, who is wearing a Chinese Student Association T-shirt tells the woman: “I only date chinks.” In the corner of the cartoon, a mouse that is listening to the conversation tells another mouse, “He can say that. He’s a brother!”

“I think it’s just offensive to the entire campus,” said Margaret M. Lee, president of the Student Council, which sent a letter of protest to the newspaper. Lee and others said the cartoonists could have made the same point by substituting “Chinese women” for the offending slur, “chinks.”

Editor Andrew Dunlap defended the newspaper. “It has been suggested by other people on the campus that we could have changed the offensive word to something less controversial,” he said. “In our view, to do something like that would be to censor the opinion of the cartoonist. We’re not in the business of censoring anyone’s opinions.”

An unknown number of people removed some 1,400 of the *News-Letter*’s 7,000 copies from Hopkins dormitories and other campus buildings the evening that the controversial cartoon appeared. The newspapers were not recovered.

“I do not see this as a free speech issue,” Larry Benedict, dean of student services, wrote in a letter to the paper. “I do question, however, the poor editorial taste which has resulted in angering the community and further dividing it.” The newspaper theft, he added, “is an abridgment of community and individual rights, and violates our student conduct code.” Reported in: *Baltimore Sun*, October 1.

College Park, Maryland

On November 1, thousands of copies of a student newspaper at the University of Maryland at College Park were stolen and replaced with notes accusing the paper of being racist. Roughly half of the 20,000 copy press run of the *Diamondback* was taken from bins, said Drew Weaver, editor-in-chief of the daily student paper. Left in some of the bins, he reported, were notes reading: “Due to its racist nature, the *Diamondback* will not be available today. Read a book.”

The newspaper had previously been accused of not fairly representing the different racial groups at the 31,000 student campus. But Weaver said that since he became editor last May, he knew of only one incident that caused any students to accuse the paper of racism. That centered on a fashion supplement published October 20 in which seven models were white and only one was black.

Weaver said that of the paper’s twenty editors, sixteen were white, two black, and two of other racial background. Four of the paper’s twenty-five reporters are black, he said.

“I think the allegations of racism are unfounded,” said Michael Morrison, a senior Russian language and literature major and one of the two black editors. “They’re not based in any real truth. It just isn’t there. We’re not racist, and that’s all there is to it.”

Akweli Parker, a junior journalism major and the other black editor, said the editors “have really tried to make changes in policy that was discriminatory to minorities. I have seen a lot of progress. I’ve been here three years.”

Corey Dade, editor-in-chief of the *Black Explosion*, another campus publication, called the theft a crime, but said the *Diamondback*’s coverage of black students had indeed provoked the action. He referred to the paper’s treatment of the five-year suspension in September of a black fraternity for hazing. He also noted that the paper had called Frederick Douglass “Franklin” and referred to W.E.B. DuBois’s classic *The Souls of Black Folk* as *The Sale of Black Folk* in an article published in October.

Kera Ritter, a member of the campus chapter of the National Association of Black Journalists, said, however, that the *Diamondback* had improved its relations with the black community over the previous year, and that the theft of the papers could only hurt race relations.

“I give Drew a lot of credit because he has taken a lot of steps,” she said. “Whoever [took the papers] gets points for creativity and radicalism. But it negatively reflects on black people. I disagree with a lot of what the *Diamondback* says, but they are journalists, and they put a lot of time and effort into the paper. And all that was destroyed today.”

University President William E. Kirwan denounced the theft in a written statement. “The university strongly disapproves of the removal and apparent destruction of issues of the *Diamondback*,” he said. “Although the *Diamondback* is an independent newspaper and the university does not influence nor defend its content, we vigorously defend the right

of the *Diamondback* or any other publication to publish what its editorial board chooses." Reported in: *Washington Times*, November 2, 3, 4.

Poughkeepsie, New York

A cartoon in a high school newspaper that depicted school board members as animals led to a battle over censorship and a disciplinary hearing against the paper's faculty adviser. Under the headline "Circus of Education," the cartoon published in the June, 1993, edition of the *Tomahawk*, student newspaper at Roy C. Ketcham High School, depicted board members and an administrator as a pig, a mule, a dinosaur, and other creatures. An adjacent editorial criticized the "back to basics" movement the students feared would sweep the district.

The district confiscated several hundred issues of the paper and mailed a new paper to parents with the cartoon removed. School board President Carroll Jones said several board members were offended by the cartoon. "I think it's very poor taste," he said. "Whether it's libelous or not, I really don't know." Under New York State Education Department regulations, student publications are entitled to free press rights but "students have the responsibility to refrain from libel and obscenity and to observe the normal rules for responsible journalism."

In August, Principal John Biasotti removed English teacher William Dourdis as faculty adviser. Students printed the first two issues of the 1993-94 school year without an adviser, although Biasotti checked each issue before it went to press. Biasotti said he had been disciplined for allowing the cartoon to run. He said the cartoon was inappropriate for a student paper. "It was insulting, it was abusive."

Dourdis said the students wanted to express their concern that the election of three school board members supported by the Taxpayers Defense Organization might hurt the schools. "As is normal journalistic practice, you comment in the editorials on the news of the day," he said. "The lead story was the TDO winning the election and the budget passing, and we were commenting on their platform."

At the board's October 25 meeting, two students objected to Biasotti's removal of an opinion column from the September issue. Backed by a dozen supporters, the students said the removal was an example of a repressive atmosphere at the school. In the deleted column, News Editor Josh Hill acknowledged the cartoon "was not the most subtle way of expressing rage" at spending cuts. But he said it expressed the palpable anger among students.

"In censoring the *Tomahawk*, the Board of Education and the administration are taking an expedient but morally wrong course," Hill wrote. "Instead of dealing with the issues brought up by the cartoon, they silence the paper with their authoritarian hand." Reported in: *Poughkeepsie Journal*, November 1.

LaCrosse, Wisconsin

The editor of the student newspaper at a Roman Catholic college said he was forced to resign over censorship of stories about homosexual rights and other issues that conflicted with church doctrine. Darren Foster, editor of the *Lumen* at Viterbo College, said October 23 that he was subjected to "emotional pressure" not to run stories on controversial issues such as homosexual rights, birth control and abortion.

"I am a victim of homophobia," Foster said. "They have personally attacked my character for having a gay agenda, just because I wanted to run a few stories about gays. Even mainstream daily newspapers have stories about gays."

The paper's adviser, Lyon Evans, said he disagreed with Foster about advocacy journalism and recommended that certain stories not be published. But he said he never censored the newspaper. "I told Darren that advocacy journalism is an important part of the history of journalism," Evans said. "But it's not compatible with being the editor of a mainstream student newspaper."

Foster, a gay rights advocate, has been an outspoken critic of the military's policy on homosexuals. He and his companion had recently announced plans to challenge Wisconsin's law prohibiting same-sex marriages.

The final feud that sparked Foster's resignation involved a story about gays in the military. Foster charged that Evans had "rambled on for ninety minutes about advocacy journalism and mainstream journalism. He said I was practicing advocacy journalism. He also suggested I should quit if I didn't feel comfortable being the editor of a mainstream newspaper." Evans said he never suggested that Foster resign.

The controversy came a year after Viterbo President William Medland fired the previous faculty adviser, editor and staff after a humor column listed ten alternative uses for condoms. A few days later, the staff was rehired after the Society of Professional Journalists interceded. Reported in: *Milwaukee Sentinel*, October 25, 29.

film

Los Angeles, California

The president of Gramercy Pictures wrote a letter September 23 to the heads and marketing presidents at all of the Hollywood studios soliciting support for a protest of what he said was unfair censorship of review quotes in movie ads by the Motion Picture Association of America (MPAA). The association had rejected a thirty-second television spot and a print ad for the movie *Dazed and Confused* because a review quoted from *US* magazine — "Deliciously accurate in its portrayal of the generation that fell between LSD and R.E.M." — violated its guidelines restricting references to drugs.

The MPAA also rejected the ads because they contained the line "Finally! A Movie for Everyone Who DID Inhale."

But it was the MPAA's rejection of the quote that particularly irked Gramercy.

In his letter, Gramercy president Russell Schwartz said, "It's one thing to restrict advertising copy," but "censorship of a quote from a legitimate media outlet" sets a "new, alarming precedent. Are we to assume that the MPAA is now the arbiter for the American public of what constitutes a legitimate commentary from the press?"

"This is absolutely not new. We've had these policies for years," explained MPAA president Jack Valenti. "From time to time people use the rating system as a whipping boy. It's a way to get free publicity for films."

Valenti said the association continuously rejects review quotes that suggest a film is acceptable for the entire family when it applies to anything other than a G-rated picture, for example. Reported in: *Los Angeles Times*, September 24.

broadcasting

Orlando, Florida

Heeding the complaints of some viewers, WCPX-TV pulled a *CBS Schoolbreak Special* about lesbian parents and prejudice that aired nationally on the afternoon of October 12. The station decided not to air the program after receiving about fifty calls from viewers concerned about the show's subject and its target audience of preteens and teens. The next day, the station received "hundreds" of calls protesting the show and about ninety from people who wanted to see it.

Orlando was one of only a handful of markets where stations preempted "Other Mothers," which starred Meredith Baxter and Joanna Cassidy as lesbian mothers of a teenage son. A network representative said affiliates in Salt Lake City and "a couple of other Southern markets" dropped the show, which also did not air on stations that don't normally carry the *Schoolbreak* series. Reported in: *Orlando Sentinel*, October 13.

Tampa, Florida

Members of Concerned African-American Citizens, the Nation of Islam, and their supporters picketed outside WTVT-TV in Tampa September 25 to protest the station's decision to ask a Muslim minister to leave a taping of its talk show *Up Front*. During the September 9 taping, host Denise White asked James X, the leader of Tampa's Muhammad Mosque No. 47 to leave. Two guests, Tampa Mayor Sandy Freedman and Police Chief Bennie Holder, refused to appear as long as James X was in the audience, saying he was known for inflammatory rhetoric and not reasoned discussion.

Michelle Patty, president of Concerned African-American Citizens, said the demonstrators wanted an apology from the station, but station vice president Bob Franklin said the station would not apologize. "We did put the views of Rev. X and Michelle Patty in a taped piece on the show," he said.

"We felt that as long as their views got on the show, that was sufficient." Reported in: *St. Petersburg Times*, September 26.

theater

Dallas, Texas

On Broadway, it was a Tony-award-winning play that opened to rave reviews. In Dallas, John Guare's *Six Degrees of Separation* opened at the end of October to a citation from the vice squad. As a result, embarrassed city officials scrambled to determine what to do with the misdemeanor citation that labeled the Dallas Theater Center a "sexually oriented business" because of a minutelong nude scene.

The play, which won four Tony awards in 1991, including best play, is the story of a New York man who smooth-talks his way into an affluent couple's life by claiming to be Sidney Poitier's son. In one scene, the woman finds the man, off stage, with a male hustler. She then runs back on stage, followed by the hustler, who is naked. The play has run in other cities without incident.

Don Postell, the city's executive assistant attorney, said it was unlikely that the city would prosecute the theater, which is housed in a city-owned building designed by Frank Lloyd Wright in an exclusive district.

The controversy began just after the play opened October 26 when police received a complaint from a patron saying that the production contained nudity and sex. The next night, Police Capt. Eddie Walt said, he dispatched a sergeant and a detective to the theater. Walt said the officers saw no sex, but did see the brief bit of nudity. Under the city's sexually oriented business law, businesses that regularly show nudity must be licensed by the city and cannot locate within 1,000 feet of a church, school, park, hospital or residential district.

"I'm quite sure that the intent of the law wasn't to include the Dallas Theater Center," Walt said. "But the way it's written, it includes these performances. That's the way I interpret it."

"We're not a sexually oriented business," countered theater artistic director Richard Hamburger. "We're not about arousing anybody to anything other than thinking." Reported in: *Miami Herald*, November 6.

art

Concord, California

Five artists withdrew their works from the Gallery Concord November 11 to protest the director's decision to pull a controversial painting from an exhibition on the eve of its opening. The artists said they would not tolerate the censorship of Gary Epting's work entitled "He Said, She Said," about Supreme Court Justice Clarence Thomas's confirmation hearings.

The work includes some nudity and graphic depictions of sexual activity, which gallery director Hawley Holmes decided were inappropriate for school children who visit on field trips. But the artist charged that the gallery feared "they were going to lose their funding if they showed this piece."

"It would be very upsetting to remain in the show knowing this man's painting would not appear," said Berkeley painter Robert Broki. "The idea of removing someone's work has really cast a pall over the show." The Epting piece was one of about sixty selected by a panel of judges for the exhibit.

Several artists said they might have chosen to leave their works in the exhibition had the gallery agreed to a compromise, such as displaying Epting's painting in an office with a warning outside that it contained explicit images. Holmes said she thought about hanging the painting in an office but decided against it because "it just didn't seem right." Reported in: *San Francisco Chronicle*, November 10, 12.

Washington, D.C.

An exhibit planned for the Cannon House Office Building rotunda on Capitol Hill went on without the work of Illinois artist Constance Eger Shneider. The exhibit, "Healing Legacies: A Collection of Art & Writing by Women With Breast Cancer," was submitted in August to the office of Architect of the Capitol George White for approval of its scheduled October 18 opening. Of the 34 artists chosen for the show by the Breast Cancer Action Group's jury, Shneider, a breast cancer survivor, was one of three whose work contained nudity and was rejected by White's office.

"We are simply being censored," Shneider said. Eventually the artist's home state senator, Paul Simon (D) and Rep. Bernard Sanders, the independent socialist from Vermont, invited Shneider and other rejected artists to exhibit the works in their offices. The group opted for Sanders's office because it was closer to the rest of the exhibit.

"Of course they're not pornographic!" Shneider said of her pastel female nudes. "The whole thing is to make people aware, obviously, about breast cancer. But to be censored in such a way — it affects my rights, does it not? My First Amendment rights." Reported in: *Washington Post*, October 4.

Langley, Virginia

At Central Intelligence Agency headquarters in Langley, a planned exhibit by artist Carmen Trujillo was canceled in September after some at the agency objected to the artist's use of nudity in her large paintings. The agency had invited the Cuban-born Trujillo to exhibit some of her works as part of Hispanic Heritage Month. Some pieces, which included renderings of female breasts, were judged too explicit for the CIA, however, and Trujillo was asked not to include those for the show.

Trujillo said she sent over the same 72 pieces that had been included in the original proposal accepted by the agency. But after their arrival, some employees found them offensive and verging on sexual harassment. "Some people were offended by the most benign showing of women's figures you could imagine," said Trujillo's attorney, Joshua Kaufman. "If you were to pull all art of that nature from shows, you would have to close down every museum, every art school and every gallery in the country."

Trujillo said that when it came time to actually hang her work, she was told that only five were acceptable. CIA representative Peter Earnest said she was told that only three or four would not be suitable. In any case, both sides agreed that Trujillo then declared that it was "all or nothing."

"I felt so humiliated," Trujillo said. "This is censorship, and as an artist I cannot let that happen. I need an apology." Reported in: *Washington Post*, October 4; *Baltimore Sun*, October 1.

foreign

Budapest, Hungary

Several thousand students gathered in front of Hungary's state-owned television station in early November waving placards that said "MTV Unplugged." But the demonstration had nothing to do with a youthful yearning for the popular American music video cable channel. Instead, the students were calling for a halt to an apparent purge at Magyar Television, known as MTV.

Four years after the fall of Communism, the liberal opposition is worried about a resurgence of media restrictions in a country that had earned a reputation as one of the most democratic in eastern Europe.

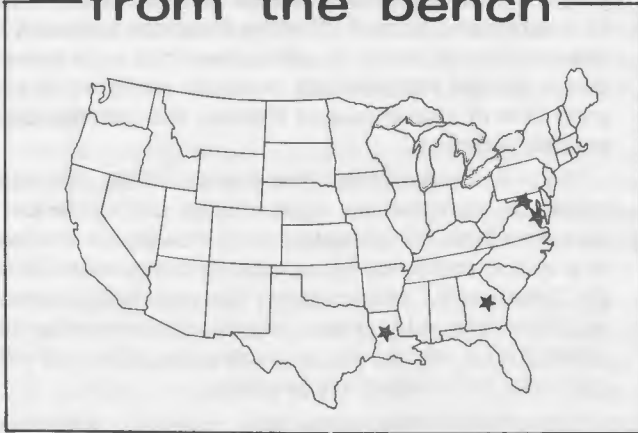
The problems began when a newscaster on Kronika, a program on state-owned Magyar Radio, mentioned in an hourly news bulletin that a newspaper article had accused the government of censorship. Ominously, the censorship item did not appear in Kronika's next bulletin. Later, the radio director declared that Kronika's news reports were being halted because they failed to present balanced information. Several radio journalists were disciplined.

Meanwhile, the director of MTV suspended the senior editor of a late-night news program called "Evening Balance," which had a history of criticizing the government. The editor, who was accused of doctoring a year-old news report despite the absence of credible evidence, was replaced with a rival editor who is known for being pro-government.

The center-right government defended the media moves but denied any direct involvement. "The actions taken in the last few days are in the interest of balanced and objective news broadcasting," said a statement from the office of Prime Minister Jozsef Antall, who died a month later.

(continued on page 39)

from the bench



U.S. Supreme Court

The Supreme Court ruled unanimously November 9 that a woman who claims she was sexually harassed on the job need not prove she was psychologically injured to win money damages. The broadly written decision is likely to make it easier for employees to sue over sexual harassment. The court generally defined unlawful harassment as creating a work environment that a reasonable person would find "hostile or abusive."

While "merely offensive" remarks are protected by the First Amendment and therefore not prohibited, Justice Sandra Day O'Connor wrote for the court, federal law "comes into play before the harassing conduct leads to a nervous breakdown." Lower courts should consider the severity and frequency of the conduct and whether it interferes with the person's work, she said.

"A discriminatorily abusive work environment, even one that does not seriously affect employees' psychological well-being, can and often will detract from employees' job performance" or force them to quit, she said in what was the Court's first attempt to clarify sexual harassment since it ruled such conduct unlawful in 1986.

In what was one of the most-watched cases of the new term, the court sent a message that it takes sexual harassment seriously — even if it cannot say exactly what it is. "The critical issue," Justice Ruth Bader Ginsburg said in a concurring opinion, "is whether members of one sex are exposed to disadvantageous terms or conditions of employment to which members of the other sex are not exposed."

Justice Antonin Scalia, concurring separately, warned that O'Connor's "hostile or abusive" standard gives little guidance to the judges and juries who must decide whether

conduct is egregious enough to warrant an award of money damages. He said that would invite more litigation. But, in the end, Scalia said he could not think of better language. Overall, the justices reached unanimity with unusual speed. The case was argued less than a month before.

The case of *Harris v. Forklift Systems* was brought by Teresa Harris, a rental manager at a Nashville trucking company, who alleged that sexually derogatory remarks by company president Charles Hardy forced her to quit. "You're a woman, what do you know?" Hardy often told Harris. "Let's go to the Holiday Inn to negotiate your raise," he joked. Hardy also asked Harris and other women to retrieve coins from his front pants pocket.

Harris sued under Title VII of the 1964 Civil Rights Act, which makes it illegal for an employer to discriminate against an individual because of sex. That law, the Supreme Court said in its 1986 ruling, protects workers from discriminatory intimidation and ridicule. It said harassment includes unwelcome sexual advances and requests for sexual favors. Hardy claimed that his comments were merely made in jest and were protected by the First Amendment. In addition, he argued that Harris had suffered no damage from the remarks and hence had no grounds for suit.

A federal magistrate agreed with Harris that Hardy's remarks were derogatory, vulgar and cruel. But the magistrate, in a report adopted by a federal district court relying on circuit court precedent, said that Hardy's conduct did not cause psychological injury. As a result, the work environment was not "intimidating or abusive" enough to violate the law and the court dismissed Harris's complaint. The U.S. Court of Appeals for the Sixth Circuit affirmed. Reported in: *Washington Post*, November 10.

In its first major ruling on free expression of the current term, the Supreme Court on November 1 vacated a child pornography conviction and told a lower court to reconsider the case in light of the Clinton administration's position that as long as minors are wearing clothes, depictions of them cannot ordinarily be considered child pornography under a 1984 federal law.

The unexpected order was the latest twist in the case, *Knox v. United States*, that began its journey to the high court in obscurity but emerged last fall as a high-profile symbol of change at the Justice Department — and then later as a potential headache for the new administration.

A brief filed in late September by Solicitor General Drew S. Days, III, in effect repudiated the federal prosecution of a Pennsylvania State University graduate student for possessing three videotapes that showed young girls in bathing suits and gym clothes. The department had defended the prosecution and told the justices that there was no need to hear the student's appeal when the case reached the Court last term. After the Court accepted the case anyway, the Solicitor General's office reevaluated the government's position.

The law under which the student was convicted in 1991 makes it a crime to distribute or possess tapes or pictures

of minors involved in "sexually explicit conduct," defined by Congress as "lascivious exhibition of the genitals or pubic area." Until this prosecution, the law had never been applied to tapes or pictures that showed young girls wearing clothes. The defendant, Stephen A. Knox, argued that the law applied only to nudity.

The administration's brief did not completely accept that view, but did argue that if the child was not naked, the genitals had to be visible through sheer or very tight clothing. In addition, it said Congress meant the word "lascivious" to require that the child be depicted "lasciviously engaging in sexual conduct as distinguished from lasciviousness on the part of the photographer or consumer."

In vacating Knox's conviction and taking the case off the Supreme Court's calendar, the justices did not necessarily reach a judgment on the government's argument. But with the government unwilling to defend the conviction on the grounds on which the U.S. Court of Appeals for the Third Circuit upheld it, the Court saw no point in devoting any more attention to the case.

The brief was attacked by conservative interest groups and members of Congress, including 125 in the House, nearly all Republicans, who wrote to Attorney General Janet Reno in October asking her to abandon the new position. As dissatisfaction with the Solicitor General's position grew, the administration sought to allay opposition by explaining that the problem lay with the vagueness of the 1984 statute and promising to prepare new and tougher anti-child pornography legislation (see page 27). Reported in: *New York Times*, November 1.

Jumping the gun on the first Monday in October, the Supreme Court on September 27 announced that it would hear several appeals, including an important one from cable companies challenging the constitutionality of a federal law that forces them to carry local broadcast stations. A ruling in the cable case could shape for years the kinds of access cable customers have to various television shows. At the core of the dispute is a 1992 law written by Congress during fractious debate and finally enacted over President George Bush's veto. *Turner Broadcasting System v. Federal Communications Commission* will be heard in January, and a ruling is expected by next summer.

The cable case raises First Amendment and economic interests. It will determine how much access local commercial stations have to cable systems (with the accompanying advertising revenue) and what a cable customer sees. Overall, a ruling in the case is likely to set the constitutional and statutory terms for future litigation on the multifaceted law regulating the cable television industry. A key question is how much First Amendment coverage cable should have in the face of government's interest in protecting consumers and heading off monopolies.

The provision at issue requires cable systems with more than twelve channels to set aside up to one-third of their channels for local commercial television stations. The cable com-

panies say that interferes with free speech: "It is the result of a deliberate, focused effort by Congress to control the editorial choices made by cable operations — in order to assure that the programming expressly preferred by Congress (that of local broadcast stations) will gain the largest possible audience."

The U.S. District Court of the District of Columbia, which upheld the provision last April, did not subject the law to such strict First Amendment scrutiny, viewing it not so much as a speech restriction but as economic regulation. It said the "must-carry" requirements "are essentially economic regulation designed to create competitive balance in the video industry as a whole, and to redress the effects of cable operators' anti-competitive practices."

Turner Broadcasting and the other companies, in their written appeal, said the district court's decision "marks a dangerous and wrong-headed expansion of government power over speech." Solicitor General Drew S. Days, defending the FCC, said the regulation is a limited way for Congress to ensure that consumers have access to a diversity of programming and information.

The National Association of Broadcasters, which also urged the court to uphold the constitutionality of the provision, said requiring cable companies to carry local stations offsets cable's "monopoly" over access to television consumers. Reported in: *Washington Post*, September 28.

The Supreme Court began its 1993-94 term October 4 by announcing it would hear the case of a Missouri woman who was asked to remove a "Peace in the Gulf" sign from her front window. The case, involving a Ladue, Missouri, sign ordinance, will require the justices to balance an individual's free speech rights with a city's interest in eradicating safety hazards and visual blight. It could give the court an opportunity to clarify differences in constitutional protections for commercial and noncommercial speech — a particularly murky area of case law.

Ladue's sign ordinance generally prohibits all signs within the city, allowing a limited number of exceptions "which either contribute substantially to the public safety and welfare or, because of their limited number, location, and size, do not substantially impinge upon the City of Ladue's interests in privacy, aesthetics, safety and maintenance of real estate values."

The city says that because it does not distinguish between the content of prohibited signs — "Signs that ask residents to 'Vote for School Taxes' violate Ladue's ordinance as do signs that announce 'Celebrate Joe's Fortieth Birthday'" — it conforms to the First Amendment. City officials say the sign law was intended to preserve the "natural beauty" of the predominantly residential community, near St. Louis.

Margaret P. Gilleo, who put a sign in her front window protesting the war in the Persian Gulf, sued the city to try to prevent it from enforcing the sign ordinance. A district court and U.S. Court of Appeals for the Eighth Circuit agreed

that the ordinance violated the First Amendment. They concluded that because the city allowed some exceptions to the prohibition, it "was improperly choosing appropriate subjects for public debate." Reported in: *Washington Post*, October 4.

At its opening session October 4, the Supreme Court let stand a California Supreme Court ruling that universities no longer can force students to pay student-government fees that are then used to support campus groups they oppose on political or ideological grounds.

The ruling stemmed from a 1979 lawsuit by a group of University of California, Berkeley, students who challenged the use of mandatory fees to fund a variety of campus groups. The students argued that being forced to support groups espousing women's rights and environmental awareness violated their First Amendment rights (see *Newsletter*, May 1993, p. 78). Reported in: *Orange County Register*, October 5.

The justices also announced October 4 that they would not review a ruling from the U.S. Court of Appeals for the Third Circuit that upheld the constitutionality of a public school's mandatory community service, *Steirer v. Bethlehem*. The Bethlehem, Pennsylvania, school district requires all public high school students to perform sixty hours of unpaid community service as a condition of graduation. Other school districts throughout the country have begun adopting such public service programs. The Bethlehem students who brought the lawsuit asserted that the requirement violated their constitutional right of free expression and constituted involuntary servitude. Reported in: *Washington Post*, October 5.

Prodded by an enterprising college professor, the Supreme Court said November 1 that it was ready to change a long-standing policy and let virtually anyone obtain copies of tape-recorded arguments made before it. In a letter to the National Archives, the court marshal, Alfred Wong, said the court had decided to make the tapes available to the public "on a generally unrestricted basis." Previously, the tapes could be copied only for scholarly or legal research.

Last summer, however, Peter Irons, a professor of political science at the University of California, San Diego, and a publisher began selling copies of tape-recorded arguments in 23 major cases. The package, *May It Please the Court*, includes six cassette tapes with highlights of the arguments and a book of transcripts.

The November decision marked a retreat by the court from an initially tough stance against Irons. In an August 31 letter to the National Archives, Wong said that future requests for copying by Irons should be "referred to me for consideration." The letter was sent at the direction of Chief Justice William H. Rehnquist. Reported in: *New York Times*, September 26, November 2.

Reopening its long-running debate over religion and the public schools, the Supreme Court agreed November 29 to decide whether New York State breached the constitutional

boundary between church and state when it set up a school district to serve a group of Hasidic Jews. The Jewish group sought public education for its handicapped children but also wanted to shelter the children from the outside world.

The case will confront the justices with one of the thorniest and most delicate of current Constitutional disputes: the extent to which the government may, or must, take account of religion and accommodate religious needs. The New York Court of Appeals, the state's highest court, declared the school district unconstitutional in a July, 1993, ruling that relied on Supreme Court precedent.

In its appeal, the Hasidic group asks the high court to use the case to reexamine its church-state precedents to permit greater constitutional accommodation of religious practice. New York State, which is also appealing, told the justices in a brief that the state court's decision was based on a misinterpretation of the Supreme Court's precedents, but that if the interpretation was in fact correct, then the leading precedent should be overturned. Reported in: *New York Times*, November 30.

broadcasting and cable

Washington, D.C.

A U.S. appeals court on November 23 struck down as unconstitutional a government regulation prohibiting the broadcast of indecent television programs between the hours of 6 a.m. and midnight. The three-member panel of the U.S. Court of Appeals for the District of Columbia Circuit said that in trying to shield children from indecent programs, the Federal Communications Commission (FCC) did not adequately consider the First Amendment rights of adults to view such programs.

The FCC enacted the regulation in 1992 in response to a Congressional mandate. Congress earlier ordered the agency to impose a 24-hour ban on material that, according to the FCC, falls short of obscene or pornographic but is considered "contrary to standards for broadcast media." The agency defines indecent material as "depicting sexual or excretory activities or organs" in terms that are "patently offensive as measured by contemporary community standards for the broadcast medium."

The appeals court struck down the round-the-clock ban as unconstitutional, and in its latest ruling said that the FCC had not justified the narrower "safe harbor" for broadcasting such materials between midnight and 6 a.m.

Noting that the government said the regulations were largely to protect children from indecent materials, the appeals court said, "We can locate no evidence in the record that the government has taken the First Amendment interests of adults into account in advancing its compelling interest in the protection of children." The judges concluded that limited protected speech must be done carefully and that the commission, acting in haste because of the Congressional man-

date, had not done that.

The decision was written by Judge Patricia M. Wald and joined by Chief Judge Abner Mikva and Judge Harry T. Edwards. All three were appointed by President Jimmy Carter and are considered the most liberal members of a court widely viewed as frequently cleaving along distinct liberal-conservative lines.

The ruling created a political predicament for the Clinton administration, which must decide whether to appeal the rulings to the Supreme Court or seek a rehearing of the case by the full appeals court. Sen. Jesse Helms (R-NC), who helped lead the Congressional mandate to the FCC, said that Clinton should appeal the case. "We hope the administration will show itself to be sufficiently concerned about sleaze on television," Helms's office said in a press release.

Timothy B. Dyk, a lawyer who represented the networks and others who challenged the restriction, said the ruling "tells the FCC and the Congress that the very restrictive approach they've been trying to impose in the indecency area is simply unconstitutional."

The overall issue of regulating the content of broadcast television shows has been made more difficult by the growth of cable television. The government initially claimed the power to regulate television programming because the airwaves were limited and required the government to apportion space on the broadcast band. But there is no such argument for cable, which is currently available in approximately sixty percent of American households with televisions. Cable television is largely unregulated on the issue of indecency, courts have ruled, because cable customers must explicitly choose to buy the programming.

To underline that issue, the same appeals court panel also struck down another FCC regulation requiring cable broadcasters to prohibit indecency on public access channels that operators must make available to any member of the community. Reported in: *New York Times*, November 24.

Washington, D.C.

A federal judge on September 15 struck down a portion of the 1992 cable television law but left intact its major provisions. While overturning a section that would have allowed the Federal Communications Commission to limit a cable company's subscribers, U.S. District Court Judge Thomas Penfield Jackson left stand a requirement that the companies negotiate prices with local broadcasters before retransmitting those stations' programs. Three cable companies had challenged the constitutionality of the law.

The nation's 11,000 cable companies and 800 broadcast stations were negotiating in advance of an October 6 deadline over those retransmissions. The so-called "must-carry" provision of the law, requiring cable systems to carry local broadcast signals, was upheld by a special three-judge court in Washington in April. That ruling, which also was written by Jackson, is on appeal to the Supreme Court (see page 22).

In the September ruling, Jackson said three sections of the cable law violated the First Amendment protection of free speech. The judge said the Constitution "protects the right of every citizen to reach the minds of any willing listeners and, thus, the speaker's opportunity to win their attention."

One provision overturned was a rule being considered by the FCC to place a limit on the number of subscribers at any single cable company. The formula, a percentage of households that have access to cable TV, would put the number at between 18 million and 27 million subscribers. Opponents of the cable law viewed the provision as an attempt to dilute the influence of Tele-Communications, Inc., the nation's largest cable company with more than 10 million subscribers, although TCI was not a party in the cases.

Jackson also struck down a provision that requires cable operators to give subscribers thirty days' notice before providing a free preview of a premium channel that offers movies rated R, NC-17 or X. Calling the restriction "content-based," Jackson said the government did not show a "compelling interest" for the restriction. Although Justice Department lawyers had argued that the provision was necessary to protect children and other unwilling viewers from indecent programming, Jackson said the law was not "carefully tailored" to achieve that purpose.

Some movies rated R are not indecent, Jackson said, while some plainly indecent movies have not been rated by the Motion Picture Association of America and thus do not fall within the law. Not only that, Jackson said, the law would allow cable operators to carry uncut R or NC-17 movies without any advance notice.

Additionally, Jackson ruled that a provision requiring satellite operators to allocate 4 percent to 7 percent of their transmission capacity to noncommercial, educational programming was likewise unconstitutional. Reported in: *Washington Post*, September 16.

schools

Shreveport, Louisiana

Caddo Parish School Board President Judy Boykin was held in contempt of court September 9 for her critical comments about the Caddo District Court judge who last March ordered portions of the parish's sex education program deleted because they violated state law (see *Newsletter*, July 1993, p. 115). In what he called a "purely symbolic" move, Judge Frank Thaxton fined Boykin \$1. He said jail was inappropriate and "no amount of money can restore the true damage occasioned in this community by Mrs. Boykin's conduct."

Thaxton also fined the Caddo School Board \$100, saying it willfully failed to revise its sex education programs — Sex Respect and Facing Reality — to comply with his March, 1993, ruling on how the program should be presented to students. The judge also ordered Boykin and the board to pay half the cost of the contempt hearing.

In her March 18 comment that led to the contempt charge, Boykin said: "A great deal of evidence was ignored and I think that anyone who reads the ruling will see some discrepancies and that the judge did not, in my opinion, stick to his pledge to ignore his personal opinion and to rule on state statute." Boykin contended that her remarks intended no disrespect and should be protected by the First Amendment.

The case began when Thaxton ruled that portions of the programs, widely promoted by conservative Christian groups, violate Louisiana law because they include subjective religious and moral beliefs, inaccurate medical information, counsel on abortion, and quiz students on their values and sexuality.

A majority of the School Board voted to teach the curricula by simply deleting all words, phrases, sentences, and paragraphs specifically cited by Thaxton as in violation of the law. In *Sex Respect*, those passages were cut out of a work book and the pages recopied. But in *Facing Reality*, black markers were used to cover the material.

In May, Thaxton learned from television news reports that students could still read some illegal portions of *Facing Reality* by holding them up to the light. No one from the school district contacted the judge regarding the report and that, he wrote, was among the deciding factors that caused him to cite the board for contempt.

The School Board has appealed Thaxton's initial decision. Reported in: *Shreveport Times*, September 10.

church and state

Atlanta, Georgia

Allowing a Jewish group to display a 15-foot menorah in the Georgia state capitol rotunda during Chanukah would not violate the Establishment Clause of the First Amendment, the en banc U.S. Court of Appeals for the Eleventh Circuit decided October 18. Aligning itself with decisions by the Sixth, Seventh, and Ninth circuits, the court said the rotunda's status as an equal access public forum requires that religious speech be permitted on the same basis as secular speech.

The court said permitting the display would advance the secular purpose of providing an arena for citizens' exercise of free speech, and that providing access to a public forum does not entangle the state with religion, but rather frees it from scrutinizing the content of speech.

In opposing the display, Georgia had argued that government action need not have the primary effect of advancing or inhibiting religion to violate the clause. A panel of the court had previously adopted a district court ruling that the physical setting of the display in the state capitol would lead visitors unaware of the rotunda's history as a public forum to believe that the state was endorsing the religious message conveyed by the menorah.

The en banc court disagreed. Such an observer would understand, the court said, that "speech that takes place in a public forum . . . can be attributed to the private speaker only; neither approbation nor condemnation of the private speaker's message may be imputed to the state." Reported in: *U.S. Law Week*, November 2.

Baltimore, Maryland

In a ruling that could affect government enforcement of Jewish dietary laws in more than twenty states, a federal judge on October 1 struck down Baltimore's kosher food ordinance as an unconstitutional entanglement of church and state. Although the ordinance's "commendable" purpose is to protect consumers from fraud and mislabeling, U.S. District Court Judge Benson E. Legg said its "primary defect is that it excessively entangles civil and religious authority." The New Jersey Supreme Court struck down a similar state law last year, but the Baltimore case was the first of its kind to be decided in federal court.

Legg's 27-page ruling outlawed the city's six-member Bureau of Kosher Meat and Food Control and its staff of rabbinical inspectors, who had the power to haul merchants into court for violating kosher rules. City Solicitor Neal Janey, Baltimore's chief lawyer, said that an appeal was likely. "We feel very strongly that our kosher food law is constitutional" as a consumer protection measure, he said, "and should be taken to the Supreme Court, if necessary."

Imad K. Dajani, the attorney who brought the case to federal court, called Legg's ruling "brilliant and courageous. . . . It will upset a lot of people who stand to benefit by (the ordinance) economically and even morally." Dajani represented George Barghout, 57, who was fined \$400 in a city court in 1990 after a food inspector said he defrauded the public by selling hot dogs as kosher when they shared a rotisserie with non-kosher hot dogs. The kosher food was adulterated by grease from the non-kosher items, violating Jewish dietary laws as adopted by the Baltimore ordinance. Advertising the food as kosher was fraudulent, according to city inspectors.

The case, pitting the interests of consumer protection against the separation of church and state, drew wide interest from both First Amendment advocates and retailers in the \$30 billion-a-year national kosher food industry.

In his ruling, Legg said the doctrine of separating church and state outweighs consumer protection interests in the Baltimore case. He said the city could continue the enforcement of kosher standards, but not with a battery of rabbis and other Jewish representatives on the Bureau of Kosher Meat and Food Control. Although it would not affect the Barghout case, he suggested that the city could require kosher food wholesalers to identify the organization or individuals who certify the kosher status of food. "The city," he said, "could then prosecute only those vendors whose food (is) not in fact certified."

As it stands now, Legg said, the ordinance "substantially entangles the courts in the morass of religious doctrine. A court would be called upon to decide whether the challenged actions depart from the specified kosher standard — namely, Orthodox Jewish religious dietary laws. In reaching such a decision, a court would be required to interpret religious doctrine. Such a court would be making a purely religious determination."

The Supreme Court has ruled in previous cases, Legg said, that it is "wholly inconsistent with the American concept of the relationship between church and state to permit civil courts to determine ecclesiastical questions." Reported in: *Washington Post*, October 4.

government employees

Washington, D.C.

By an 8-2 vote, the U.S. Court of Appeals for the District of Columbia Circuit on September 21 declined to review a ruling by a three-judge panel that struck down a ban on federal workers collecting honoraria for giving speeches or writing articles. The court determined that the ban was an unconstitutional infringement on freedom of speech.

The ban, which affected about two million executive branch employees, had remained in effect while the government sought reconsideration of the March 30 ruling (see *Newsletter*, July 1993, p. 118). The honoraria ban was part of the 1989 Ethics in Government Act, which also bars honoraria to members of Congress and the judiciary. It went into effect January 1, 1991, and was criticized by federal workers from the start.

Last year, the appeals court upheld a decision by U.S. District Court Judge Thomas Penfield Jackson, who found the law "overinclusive" and going beyond the purpose of preventing employees from earning income for outside work related to their government jobs.

Judge Laurence H. Silberman was one of the two judges who voted to rehear the case. He said it turned on a technicality, pointing out that Congress misplaced a parenthesis in its 1991 amendment to the law. If the court simply moved that parenthesis, Silberman argued, the honoraria ban would apply only to speeches and articles that related to an employee's government job.

Judge Stephen F. Williams, who wrote the appeals ruling in March, described Silberman's solution as "tempting." However, offering his own analysis of the legislative history of the law, he concluded that Silberman's "microsurgery" would produce a revision whose syntax "bears no resemblance to English. The legislative history," Williams concluded for the court, "provides no license to start shuffling parentheses around." Reported in: *Washington Post*, September 22. □

(Jacksonville . . . from page 5)

tian coalition opposition in the primary and general elections. Donelan thought her background would please those who wanted a back-to-basics approach. She's a Methodist Sunday School teacher, housewife and mother of four, and she used to be president of the county PTA. "All those traditional family values — that's basically me," she said.

But Donelan supported a moment of silence instead of prayer in the schools, and consequently was labeled "the anti-Christ" by some opponents. An endorsement by the National Organization for Women also didn't help, although Donelan has no connection with the liberal group. One person telephoned with this message: "I just have three words for you. Remember Kathy Chinoy."

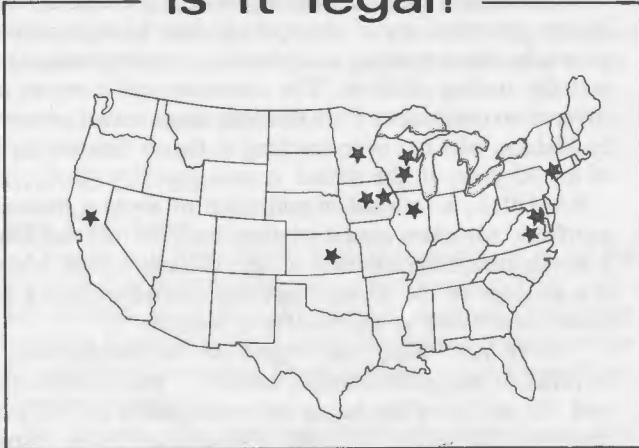
Jacksonville, a city with more than 800 churches, is home to the state Southern Baptist Convention. And it has Florida's largest Southern Baptist Church, First Baptist. This church, with 22,000 members, covers seven city blocks downtown. It recently built — and finished paying for — an \$18.5 million auditorium that seats more people — 8,800 — than the city auditorium and boasts an 80-piece orchestra and a 300-member choir.

Among its members are Jacksonville's elite. They believe, like fellow member Stan Jordan, that returning to "Christian values" will solve the city's and the nation's problems. Jordan, the school board member, said the movement sweeping Jacksonville is "bigger than Christian. It's about the security of the community. It's growing so fast across America. And it will not be stopped because people realize you can't continue to go like we're going."

Rabbi Fred Guttman of the Congregation Ahavath Chesed said he understood the concern about society's increasingly violent and fragmented direction. "They're worried," he said. "They want the world to be a good place for us all to live, and I agree with them. Where we differ is in the approach."

"Jacksonville is one of the key places in the United States where it's being played out," Guttman said. "I can see it being an ongoing struggle. Sometimes it's presented as a liberal vs. conservative struggle, but I don't think it is. People don't want government in their bedrooms. They're very conservative economically and attracted to Republican messages, but they're very put off by this right-wing Christianity. To a large extent, those people are disenfranchised here in Jacksonville. No one represents them, but in this town they're the overwhelming majority." Reported in: *Palm Beach Post*, September 26. □

is it legal?



child pornography

Washington, D.C.

Responding to growing criticism in Congress over a Justice Department action in a child pornography case, the Clinton administration on November 15 submitted a new law for approval that would increase prosecutions for distribution or possession of child pornography. The measure, prepared under the president's order, would broaden the current legal definition of child pornography to include some depictions of children even if they are clothed. In the view of some civil liberties advocates, however, the proposed legislation may be so broad as to be unconstitutional.

The extraordinary speed at which the administration moved to draft a tightening of the law came after Republicans in Congress and some conservative groups accused the Justice Department of being soft on the problem. At issue was a decision by department lawyers to repudiate the department's position concerning the child pornography conviction of a Pennsylvania man for possessing videotapes of young girls in bathing suits and gym clothes.

The case was set to come before the Supreme Court until Solicitor General Drew S. Days, III, filed a brief in September discarding the government's lower court victories under a 1984 child pornography law and asked the court to set aside the Pennsylvania man's conviction (see page 21). Until the man's prosecution, the law had never been applied to tapes or pictures of young girls wearing clothes and the defendant had argued that the law applied only to nudity.

Justice Department officials said it was better not to press the case in order to prevent the entire law from being ruled unconstitutional on the ground that it was too vague and over-

broad. But White House officials were surprised by the success conservatives had in using the case to charge Clinton with being soft on child pornography. One official said that in the end the legal issues were overwhelmed by the political ones.

On November 10, Clinton sent Attorney General Janet Reno an unusual letter, which said, "I fully agree with the Senate about what the proper scope of the child pornography law should be." The President directed Reno to "promptly prepare any necessary legislation" to make sure that federal laws apply to all forms of child pornography.

The administration's proposed amendments to the child pornography law explicitly state that someone can be prosecuted even if the children depicted are clothed. The proposal also states that lascivious behavior on the part of the children is not required for a prosecution.

Robert Peck, the legislative counsel of the American Civil Liberties Union, said a law providing for child pornography prosecutions for depictions of clothed children could implicate things like ads for children's underwear and bathing suits.

Bruce Ennis, a Washington lawyer who represents the Freedom to Read Foundation and the American Booksellers Association, deplored what he said was a rush to do something that was politically expedient and popular. Changing the law to allow for the prosecution of clothed minors could result in seriously inhibiting mainstream publishers, he charged.

"This could be so broad as to wipe out significant portions of the mainstream libraries in America," Ennis said, adding that the real danger would not come necessarily from prosecutions, but rather from the self-censorship of librarians and publishers who do not want to risk prosecution. Reported in: *New York Times*, November 12, 196.

schools

Woodland, California

A religious right group's claim that the *Impressions* reading series used by the Woodland School District promotes witchcraft and neo-paganism got another day in court October 6, this time before the U.S. Court of Appeals for the Ninth Circuit. The Mississippi-based American Family Association appealed to the court to overturn a 1992 decision by U.S. District Court Judge William Shubb, who ruled that the district had the right to select textbooks based on educational criteria.

"I believe Judge Shubb's decision was correct, well-reasoned and I believe it will be affirmed," said attorney Paul Friedman, representing intervening parents in the district and People for the American Way. "What it really boils down to is whether the activities, exercises and reading materials which some people object to on their own religious beliefs should be censored from schools." Reported in: *Sacramento Union*, October 6.

Wheaton, Illinois

Angered by the contents of a supplemental elementary school reader, a group of parents asked a federal appeals court panel September 10 to reinstate a lawsuit against Wheaton-Warrenville Unit District 200. Nearly a year after a federal judge in Chicago dismissed the case (see *Newsletter*, January 1993, p. 18), seven families asked that the suit questioning the appropriateness of the *Impressions* reading series be reopened. The parents contend the book series promotes witchcraft, magic and the occult and, thereby, violates freedom of religion.

After reviewing the materials, U.S. District Court Judge James B. Moran ruled in October, 1992, that a trial was not needed in the case and dismissed the suit. But Robert V. Gildo, attorney for the parents, told the U.S. Court of Appeals for the Seventh Circuit that a full trial should have been allowed so it could be determined how far teachers made students delve into the material. John Izzo, an attorney for the school district, contended there had never been allegations that students were asked to participate in occult activities. Reported in: *Arlington Heights Daily Herald*, September 11.

Des Moines, Iowa

Elementary and secondary schools in Iowa need a standard set of obscenity guidelines to keep inappropriate materials from making their way into classrooms, a creationist told the state Board of Education September 9. Bert Wagoner, Jr., of Iowa Creationist Consulting Services said he was concerned that Iowa law defines what materials are considered obscene but provides an exemption for educational institutions. He said he hoped a proposed state policy would require each school district to make available "obscene resource lists" of certain sex education materials distributed by abortion rights groups.

"If it is obscene outside the classrooms, what makes it any less obscene and offensive in the classrooms?" he asked. He requested state board members draft a policy within ninety days on what is appropriate for elementary grades and establish a parental notification procedure. Reported in: *Cedar Rapids Gazette*, September 10.

Bronx, New York

A teacher known to the New York City Board of Education for eight years as a member of the North American Man-Boy Love Association (NAMBLA) was accused September 21 of promoting child abuse and child pornography. Peter Melzer, who teaches physics at the prestigious Bronx High School of Science, was cited in a report compiled by the special commissioner for the school district.

The "investigation into misconduct relating to pedophilia" determined that he was "unfit to teach children." The report recommended severe disciplinary action, including dismissal or, at the very least, permanent removal from the classroom.

Commissioner Edward Stancik told a press conference that Melzer promoted sexual abuse of children through published articles that amounted to advisories on how to seduce and sexually molest children. The commissioner's report uncovered no complaints from students about sexual advances by Melzer, who has been teaching at Bronx Science for 25 of his 30 years in the school system.

NAMBLA, a national organization of about a thousand members, advocates sexual relations between men and boys. It works toward the abolition of age-of-consent laws. Melzer is a member of the group's steering committee and a frequent contributor to the *NAMBLA Bulletin*.

"We're not basing our report on his membership in NAMBLA, but on his specific conduct," the commissioner said. He said his office began the investigation in 1992 after reviewing the results of a 1985 investigation by the inspector general's office, which is now defunct. The real impetus for the probe, however, came in March, 1993, when a local television news show aired a three-part report on NAMBLA. In the broadcast, a former undercover officer who infiltrated the group, said Melzer told him he had sexual relations with children in the Philippines ten years ago. Noting that the only instance of known sexual abuse occurred a decade ago in another country, the report said, "Whatever reassurance this might bring is more than offset by his enthusiastic championing of pedophilia."

"I have never broken the law of the United States, the Philippines, not anywhere," Melzer said. "You can check that. Underage is defined differently in different states and different countries. I totally disagree with the report. It's utter nonsense. I've never advocated these things. Of course, I feel a lot of affection for boys in particular and young people in general. That's why I became a teacher. I've channeled most of this into my teaching."

Melzer insisted the accusations against him threaten constitutional guarantees of freedom of speech and association.

Detective Joseph Gelfand of the New York City Police Department, who has worked in the pedophilia squad of the Public Morals Division for eleven years, said that to his knowledge no one had ever caught Melzer "acting out" or having sex with underage boys. Reported in: *Washington Times*, September 22.

Marinette, Wisconsin

A ban on Los Angeles Kings and Raiders clothing at Marinette High School was lifted, temporarily, September 27, Principal James Kranpitz said. The ban was suspended after the school district's lawyer recommended that the School Board consider adopting a general policy on clothing associated with gangs that would not single out teams. The ban was imposed to provide a safer environment for students after fights last year involving teens wearing Raiders clothing. A September 24 protest by forty students was not a factor in lifting the ban, Kranpitz claimed. The students challenged

the policy by arriving at school wearing Raiders and Kings apparel. They were barred from classes until they changed clothes. Reported in: *Milwaukee Sentinel*, September 25, 28.

universities

Iowa City, Iowa

University of Iowa faculty balked at approving it, but the Iowa Board of Regents adopted a policy October 20 for warning students about sexually explicit material. University President Hunter Rawlings called the policy a mistake, while the university's attorney, Mark Schantz, said it invites Constitutional challenge.

But regents who voted to impose the policy said they wanted something on the books during an interim period while faculty write their own policy. "I want them to get off the dime and do what we asked them to do," Regents President Marvin Berenstein said. The regents took their action on a 6-3 vote after the University of Iowa Faculty Senate indefinitely postponed writing the policy.

The regents had earlier demanded the policy after two students complained within an eighteen-month span about seeing classroom videos depicting homosexual sex. Faculty at Iowa State University and the University of Northern Iowa wrote policies, and the regents accepted them.

But at the Iowa City campus, a policy written by faculty and administrators that would have called for warning students when there would be explicit visual classroom showings of human sex acts was tabled on a 31-22 vote of the Faculty Senate September 28. Some faculty questioned why only visual showings or human sexual acts were in the proposal, since other material could be deemed offensive for religious, moral or other reasons.

"I feel it is the first step on the slippery slope of academic freedom," said N. Peggy Burke, associate professor of physical education and sports. "We will end up not using materials which we feel are educationally valuable, and which most of our students also feel are educationally valuable." Professor of Law Gerald Wetlaufer told the Senate the policy would amount to a state action restricting speech and thus violating the First Amendment.

The regents ordered the policy last February after a freshman complained about a video shown in her art class. That followed an incident in 1991, in which another student complained about a film shown to her German class.

On the eve of the Faculty Senate debate, a third incident occurred when a teaching assistant in the American Studies program was reprimanded for failing to warn his class before showing *Paris is Burning*, a documentary about drag queens. The reprimand was lifted after faculty protested that a warning policy had not been officially implemented by the Senate or by the Regents.

Wayne Franklin, chair of the American Studies program, said he defended the teaching assistant's right to show the

film. "I thought it was appropriate given the subject being covered," he said. Franklin added that *Paris is Burning* was critically acclaimed and appeared in mainstream theaters, including in Iowa City and Des Moines.

"It is not a movie about sexuality nor does it have any explicit scenes in it," Franklin said. "It's a movie about human relationships. It could just as well be about fraternities. There can be a chilling effect from a policy that says forewarn and puts the onus on the individual instructor to decide what might be offensive to anybody."

The policy handed to the University by the Regents says faculty may use course material that includes the depiction of human sexual acts, but must warn students ahead of time about the material. Students may then excuse themselves from the class and work on an alternative assignment. Faculty also must warn students about material by the first day of the semester so that a student can opt out of the class. The policy covers only undergraduates.

"The regents' decision was a mistake, in fact, a serious mistake," said President Rawlings, who is usually reserved about criticizing regents' actions. "This had no public airing whatsoever."

Students opposed to the policy were upset. They had given the regents petitions against the policy with 927 signatures. "There's a lot of latent anger about this on campus," said Jean Fallow, a doctoral candidate in comparative literature.

Faculty Senate President Jerald Schnoor said the three Iowa universities were now the only universities in the country with such policies. "My concern is that it will give the regents' institutions a bad reputation," he said. Reported in: *Cedar Rapids Gazette*, September 29, October 21; *Des Moines Register*, September 17.

Minneapolis, Minnesota

The University of Minnesota backed off from a controversial decision to ban two pages of anti-Bill Clinton jokes from a student orientation fair. President Nils Hasselmo said September 21 that the university would no longer insist on reviewing the material distributed at the fair by student organizations.

In August, university officials ordered the College Republicans to remove two fliers of Clinton jokes, saying they were offensive to women and homosexuals. The students accused the university of illegal censorship, prompting a flurry of phone calls criticizing the school.

Initially, vice president Marvalene Hughes defended the decision to ban the jokes, saying they were inconsistent with the university's non-discrimination policy. Some jokes made crude comments about Clinton's wife, and referred satirically to homosexuals and cross-dressers.

But in a letter to the editor of the *Minneapolis Star-Tribune*, Hasselmo wrote: "I must — and will — protect freedom of speech as a fundamental right under rules of academic freedom and under our Constitution." Hasselmo said Hughes

had "implemented a change of practices that I support fully." In the future, he said, the university will not screen student handouts, and will continue to make space available for them at orientation.

College Republican leader T. Baxter Stephenson called the news "a victory," but said it came a little late, since the month-long orientation fair had ended. A day after the first fliers were banned, the group wrote a letter of protest to Hasselmo. The university did not reply for two weeks, and then Hughes made her initial statement that "this is not a freedom of speech issue," defending "our institutional right and responsibility to present materials consistent with the University's non-discrimination policy."

"The university censored our handouts because they did not promote diversity," said Stephenson. "The university has taken on the opinion that diversity is only diversity of color, sexual preference, religion, what have you. What the university is forgetting is diversity of thought. If you can't have diversity of thought so you can criticize the president of the United States, then what have you? You don't have a university where you can develop your mind." Reported in: *Minneapolis Star-Tribune*, September 16, 22.

NEA

Washington, D.C.

The House of Representatives on October 14 rejected another attempt to cut federal money for the arts by conservatives, who said some of the funded works were obscene. Opponents charged that the National Endowment for the Arts (NEA) had funded pornographic and homosexual film festivals. Their attempt to abolish the NEA was defeated 326-103 and another vote to cut the \$175 million NEA budget by forty percent failed 281-151. Reported in: *St. Petersburg Times*, October 15.

military

Washington, D.C.

The Pentagon's top personnel official abandoned a proposed policy that would have clamped a strict speech code on military members when discussing race, ethnic background, and homosexuality. Pentagon representatives said the idea was dropped after the official was told the military services already had such policies in place. But other sources said military officers had complained the proposed order was a threat to free speech.

Edwin Dorn, Assistant Secretary of Defense for Personnel and Readiness, had issued a draft order in October telling the four military branches to "strongly discourage" words, gestures and symbols that "unnecessarily call attention to differences between the sexes, or invite ridicule based on sexual orientation." Dorn also suggested an end to certain jokes about race, ethnic background and sexual orien-

tion. He said such humor should be grounds for disciplinary action.

Lt. Col. Dough Hart said October 25, however, that the Assistant Secretary had changed his mind after being told that the services do many of the things the memo outlined. But several officers said they were not aware of any regulations as strict as those floated by Dorn.

Circulated in the Pentagon to personnel chiefs of the Navy, Air Force, and Army, the memo was criticized as roughshod and unnecessary. Some critics asked whether telling a ribald or off-color joke at a social function would result in a reprimand. Reported in: *Washington Times*, October 26.

etc.

Topeka, Kansas

An ordinance to prohibit picketing near religious services was vetoed October 12 by Topeka Mayor Butch Felker. The city council made no attempt to override the veto.

The ordinance was adopted the previous week on a 6-3 vote. It would have prohibited picketing within a hundred feet of a religious facility from thirty minutes before to thirty minutes after a service. It was introduced by council members Jim Reardon and Beth Mechler Listrom after a group of Topeka churches organized a petition drive supporting such a law.

In a prepared statement, Felker stopped short of calling the ordinance unconstitutional, but he made it clear the question of constitutionality was his main concern. Felker cited several U.S. Supreme Court rulings that he thought were relevant. He compared the anti-picketing ordinance to an ordinance in Florida banning animal sacrifices in a religious ceremony that was overturned by the high court last year. Reported in: *Topeka Capital-Journal*, October 13.

Alexandria, Virginia

Mark Steckbeck thought he had found the perfect vehicle for expressing his general mistrust of government. He obtained vanity license plates that read: GOVT SUX. Virginia's government wasn't amused. Transportation officials said the plates were issued by mistake and are too offensive. They canceled them.

Steckbeck filed suit in U.S. District Court in Alexandria November 2 to get the plates reinstated. His suit contends that the Virginia Department of Motor Vehicles violated his First Amendment rights.

"What's at issue is to have the government mind its own business and stop directing people what to say just because people don't agree with it," said Steckbeck's attorney, Victor Glasberg. "It's no business of the state to regulate that." Reported in: *St. Petersburg Times*, November 4.

Beloit, Wisconsin

A citation given to a woman September 17 after she tied ribbons with the word "pray" on city property infringed on her First Amendment rights, her attorney said. Mieke Veneman received a municipal citation after she tied the white ribbons on stop signs and other municipal signs around City Hall. William Pangman, Veneman's lawyer, said the city can't target her for a ticket unless it tickets everyone who puts a rummage sale or other notice on public property.

"The city has to be even-handed in this," Pangman said. "There is a body of First Amendment law which says restrictions can be placed on free speech including time, place, and manner, but those restrictions must be content-neutral. She can't be ticketed because the city doesn't like her message." Reported in: *Wisconsin State Journal*, September 22. □

Europe's proposed journalism code blueprint for censorship?

A debate over how best to ensure freedom of the press has flared into a battle for the hearts and minds of reformers in Eastern Europe. Miffed over stories they consider muckraking invasion of privacy, European governments have responded by proposing a stiff code of ethics for the continent's journalists. But Americans and professional media organizations say the restrictions proposed by the Council of Europe could replace Communist-era censorship with a new Big Eurobrother.

The controversial code of ethics that grew out of Western Europe's quest for union purports to establish guidelines for when and where journalists can express opinions, as well as deeming newspapers and broadcast networks to be "socio-economic agencies" with limited rights. Most disturbing, in the view of those opposing regulation, is the council's proposal for a Euro-government panel to pass judgment on the media by rating each news organization and journalist on ill-defined standards of truthfulness and prevailing ethics.

While the regulations are unlikely to muzzle Fleet Street journalists exposing the indiscreet romps of British royals or clothe the buxom nudes that offend some readers of German tabloids, opponents believe the code runs the risk of encouraging fledgling democratic governments to view the media as political tools to be used as they consider appropriate.

In fact, Eastern and Central European countries with little experience of a free and feisty press have already exhibited troubling signs of repression and confusion:

- The government appointed head of Hungary's broadcast system fired an editor in early November after he refused to air a news report he felt was biased in favor of the late

Prime Minister Jozsef Antall (see page 20). Hungarians are preparing for elections in the spring, and thousand of free press advocates have been vehemently protesting government efforts to influence the media.

- Romanian authorities have succeeded in pushing through legislation that greatly expands the definition of "state secrets" to which the media can be denied access. It now includes virtually any subject or document the government deems sensitive.

- In Slovakia, a reporter faces court proceedings for publishing an accurate summary of a speech by Prime Minister Vladimir Meciar. The speech drew accusations of racism from Nazi-hunter Simon Wiesenthal for comments Meciar made about Gypsies.

The moves to curb or intimidate journalists could likely be nipped in the bud if Western officials saw fit to point out to their Eastern counterparts that restricting the press runs the risk of endangering their democratic development. Instead, the message being transmitted by West European governments is that some state regulation is all right.

Francis Ronse, a Belgian government official speaking on behalf of the twelve-nation European Union, echoed the Council of Europe's position that an unregulated press too often confuses freedom of speech with a license to slander. He said the governments of Western Europe believe journalists should be made more accountable for their reporting through a pan-European system of checks and guidelines, like the ethics code.

But professional associations, like the International Federation of Journalists, the International Press Institute, and the U.S.-based Center for Foreign Journalists, have lined up to fight what they see as a frontal assault on press freedom.

Johann Fritz, director of the International Press Institute, accused West European governments of seeking to shackle journalists on an international level in ways they have been unable to do in their own countries.

Britain, for instance, recently sought to toughen regulations on privacy and access following a spate of royal scandals. Professional journalists' associations managed to scuttle the project immediately by labeling it an attempt at censorship and by creating a public fuss.

But East European countries have no recent experience with self-regulation or even self-restraint. Because the post-Communist era has seen a spate of stories exposing government corruption and abuse of office, some of which have been poorly documented, East European readers and viewers might interpret calls for regulation of the press as justified measures to protect privacy or establish standards for accuracy or taste.

"In East European countries, where you don't have any experience of what a free press is and the history is one of politicians using regulations to curb the media, even well-intended regulations can easily lead to catastrophe," warned Fritz. Reported in: *Los Angeles Times*, November 9. □

students who swiped Penn newspapers to go unpunished

The black students who confiscated 14,000 copies of the University of Pennsylvania college newspaper will not be punished, the school announced September 14. "The confiscation of any publication on campus is wrong and will not be tolerated," interim president Claire Fagin and interim provost Marvin Lazerson said in a joint statement. But while condemning the students' action as a violation of freedom of the press and speech, the administrators said it was more important for the students to "learn from working out their differences face-to-face" than to be penalized.

The decision sparked anger and disappointment among those hoping the university would send a strong signal that diverse views must be tolerated. Stephen Glass, student editor of the *Daily Pennsylvanian*, called the decision "double-speak," "mealy-mouthed," and "insulting." Had the offenders been punished, he said, "people would have gotten a clear message that newspaper theft was wrong."

Penn's Black Student League organized the confiscation of the April 15 *Daily Pennsylvanian* because they said the paper was "insensitive to their issues," according to the school's account. A white columnist for the paper, in editorials that many on campus found offensive, had criticized affirmative action, called Malcolm X a "hatemonger," and questioned the stature of the Rev. Martin Luther King, Jr.

"I am very disappointed, and I think this is a big mistake," said Mark Goodman, executive director of the Student Press Law Center in Washington, D.C. He said the incident had spawned a rash of similar confiscations on as many as fifteen different college campuses (see *Newsletter*, September 1993, p. 140).

Days after the Penn incident, the example, newspapers were burned at Pennsylvania State University. Its newspaper, the *Lionhearted*, had offended some gays and women, and the destroyed issue featured a sketch of a woman wearing a bikini and a sign: "Feminist at Work." More recently, on November 1, nearly half the press run of the University of Maryland's *Diamondback* were stolen "due to its racist nature" (see page 32).

Charges are still pending at many schools, but no incident gained more attention than Pennsylvania's. Sheldon Hackney, the university president at the time who last year became head of the National Endowment for the Humanities, was criticized by some national commentators and politicians for being "soft" on the students. They suggested that white students would have been dealt with more harshly had they confiscated the papers.

According to the university, about sixty students were involved in the confiscation and nine were identified and charged. The school said it would make clear in the new student handbook its policy against confiscating the student

newspaper, and it is planning a series of debates on "freedom of speech and expression in a diverse society." Reported in: *Washington Post*, September 15. □

Disney cuts film scene after teenager's death

The Walt Disney Company said October 19 that it would delete a scene from its movie, *The Program*, after one teenager was killed and two others critically injured while apparently imitating the action. The brief sequence near the film's start involved several drunken college football players lying in the middle of a busy road to prove their toughness.

A pickup truck ran over Michael Shingledecker in Polk, Pennsylvania, October 16, as he and friends lay on a highway dividing line in mimicry of the scene, killing the boy instantly. Another teenager was injured in the incident. In Bayville, New York, on the same day, Michael Macias, of nearby Syosset, was hit by a car while prone in the middle of a street, sustaining serious spinal injuries.

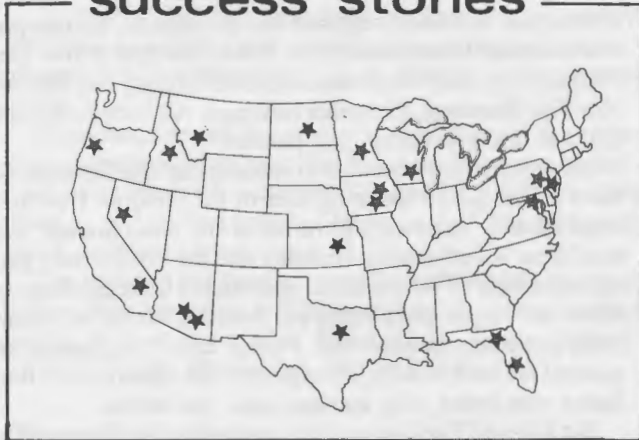
"While the scene in the movie in no way advocates this irresponsible activity, it is impossible for us to ignore that someone may have recklessly chosen to imitate it," the film's writer and director, David Ward, said in a statement released by Touchstone Pictures, the division of Disney that released the film. "In light of the incidents reported, we are deleting the scene from the movie."

The Shingledeckers had criticized Hollywood movies for their depictions of violence and blamed the film for their son's death. "Michael would never come up with this on his own," said Patty Shingledecker. "He was adventurous but not stupid." But friends and classmates of the boy disagreed. "They chose to do it," said Chad Karnes. "The movie didn't make them do it." Reported in: *New York Times*, October 20. □

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success stories



libraries

Juneau, Alaska

Despite a protest boycott that kept at least 230 students — four percent of the district's enrollment — out of schools October 25, Juneau schools superintendent Robert Van Slyke decided to keep *Daddy's Roommate*, by Michael Willhoite, in elementary school libraries. Van Slyke supported the recommendations forwarded to him by three schools' parent-staff committees, which had suggested moving the book out of the children's picture book section of the libraries and placing it in the family section.

Opponents of the book appealed the decision to the school board, but on November 17, by a 7-1 margin, the board passed a resolution to affirm Van Slyke's decision. The resolution concluded that:

- "The process employed by the librarians to select and place the subject book was conducted professionally, with due regard for the curriculum and other pertinent guidelines that govern the selection and placement of library materials, and did not vary from the process used successfully, for many years, to obtain thousands of other volumes for school libraries;

- "The selection of the book does not violate Board policies and, in fact, complements the curriculum established by the Board and advances the implementation of Board policies, including the policy that prohibits discrimination against members of the school community, and is therefore consistent with the governing principles of the District; and

- "Opponents of the book have failed to demonstrate that the selection process, the contents of the book itself, or its placement within the libraries, violate the policies and instructional guidelines established by the Board."

Van Slyke said his decision was based on "a review of parents' concerns, a review of policies and procedures, and a review of the law." His decision was detailed in a six-page letter sent to board members, elementary principals, and opponents and supporters of the book on the morning of the boycott.

The superintendent wrote that selection of materials for the school libraries must not be construed as endorsement of any author's viewpoint. "Contrary to the beliefs of some in the community, we do have books dealing with religions, including Christianity. We do have Bibles shelved in school libraries. But, given the First Amendment, and also because we respect differences of belief, we neither endorse nor condemn such materials regardless of personal beliefs," he wrote.

As many as four hundred people attended hearings at elementary schools on the issue, where emotional testimony was presented on both sides of the matter. Reported in: *Juneau Empire*, September 29, October 14, 20, 24, 25.

Kenai, Alaska

A lot of emotional public comment did not prevent the Kenai Peninsula Borough School Board from deciding October 18 to keep three sex education books on library shelves. At an earlier meeting, October 4, the board had voted to support recommendations made by the district's Reconsideration of Institutional Materials Committee on the books, which were challenged by a parent as inappropriate for student use.

Lenoria Johnson, who made the original complaint, said she objected to the way masturbation and homosexuality were presented and also took offense to slang words used to describe sexual methods as well as the male anatomy. She asked the board to reconsider its decision to allow students access to the materials.

"As a parent, this is not what I want my children to read," she said. "The district is crossing lines and they're my lines."

One of the books — *A Young Man's Guide to Sex* — was, in fact, removed from the shelves because it had outdated material in it that committee members thought could be harmful to student health.

The other two books — *What Teenagers Want to Know About Sex: Questions and Answers* and *What's Happening to My Body? Book for Boys* — were deemed by the committee as acceptable and appropriate for middle school and high school libraries as well as for some professional collections for teachers and parents in elementary schools.

At the second board meeting, board member Mike Tauriainen, who said that *What Teenagers Want to Know*

About Sex presents "sexual relations in an amoral light," offered a motion to reconsider its previous vote of approval. "This isn't an issue of censorship, but of leadership," he said. "Do we as a school district have an obligation to present a buffet of sexual options?"

The motion was defeated on a 5-2 vote. Reported in: *Homer News*, October 7, 21; *Seward Phoenix Log*, October 7; *Peninsula Clarion*, October 20.

Kyrene, Arizona

Two books will stay on library shelves in the Kyrene Elementary School District, as the district's governing board on November 9 rejected recommendations to strike them from the district's instructional reading list. The board voted unanimously to keep *The Complete Fairy Tales of the Brothers Grimm*, which was attacked as anti-Semitic and violent, referring the book to a district committee for placement by grade level.

In addition, by a 3-2 vote, the board decided not to remove *The Chocolate War*, by Robert Cormier, from a recommended reading list, despite parents' complaints about a masturbation scene. The board said the book could remain on the shelves of middle school libraries, available to grades six, seven, and eight.

Both decisions went against recommendations by committees of parents, teachers and administrators. The collection of fairy tales came under fire last fall when a review committee recommended removal due to its excessive violence, negative portrayals of female characters, and anti-Semitic references. Although board members agreed the content of some of the tales was questionable, they were reluctant to allow the negatives to override use of the books.

Curriculum director Gary Elliot said the board may be asked to reconsider other reading list books. Although review committees were appointed to determine what books would be approved for each grade level, Elliot said he wasn't sure how closely each book was studied.

About four years ago, the district limited its use of literature textbooks in favor of a reading program that allows students to explore complete novels rather than excerpts. Under the new reading program, a list of novels and short story collections, including *The Chocolate War*, was compiled and approved by curriculum specialists and community members. About two years later, 91 titles, including *The Complete Fairy Tales of the Brothers Grimm*, were added to the list of more than six hundred titles. Reported in: *Tempe Daily News Tribune*, November 10; *Phoenix Gazette*, November 10.

Mesa, Arizona

Three children's books that deal with homosexuality should remain on the Mesa Public Library shelves, a library committee recommended October 6. The action came in response to complaints filed by two residents. *Daddy's Roommate*,

by Michael Willhoite, received two complaints, but one person also complained about *How Would You Feel If Your Dad Was Gay?* by Ann Heron and Meredith Maran, and *Heather Has Two Mommies*, by Leslea Newman. All three books help children learn to accept gay parents.

The library panel decided to recommend that the book remain in the family planning area of the children's section. Irma Pluster, children's librarian at the main branch, said that Mesa is a diverse community and the library must provide a variety of information. Newman's book has been on Mesa shelves for three years and the other books two years. They are often checked out, Pluster said. One mother requested the book to help her explain to her children why their father was living with another man, she added.

But Edward Tark, whose six-year-old daughter picked up *Daddy's Roommate* on a trip to the library, disagreed. "We're not talking about ethnic backgrounds or alternative lifestyles. We're talking about sexual perversion. This is portraying information that this sexual perversion is OK, but it's not OK."

Johnna L. Leach also complained about the books. "When the subject matter is vile, sick and goes against every law and constitution that we stand for, how can you allow it to pollute our library? This book belongs in an adult bookstore," she said, referring to the Heron book. Reported in: *Mesa Tribune*, October 7.

Haines City, Florida

On October 21, a committee of teachers, parents and students voted 14-1 to keep *I Know Why the Caged Bird Sings*, by Maya Angelou, in both the Haines City High School library and in the English curriculum. The book was used by English teacher Joni Doddemeade in three of her tenth grade honors classes dealing with African-American literature. Students were given the option of reading two other books or of choosing a book on their own, if they or their parents objected to the Angelou book, but only one student took that option.

Still some parents objected to the book's content and petitioned the Polk County School Board to ban the book from the school. In particular, the protesters objected to a passage that describes the author's rape when she was seven years old.

"I never read this kind of book in school and if I did I would have gotten in trouble," said William Willis, who admitted he had read only the controversial passages. "The only thing that makes it different from the dirty magazines in the store is the pictures."

"We live in an R-rated society. Somewhere, there has to be a G-rated environment for these kids," said Rev. Don Maiden. "We're not giving these kids anyplace where they can go and not have their minds clouded with sexual things and prejudicial things. The classroom should be that safe environment."

"Probably for the first time in Haines city history. literature received more attention than a football game," commented Doddemeade. "I keep telling people, read the whole book."

Some members of the review committee said the objections to the book were related as much or more to the author's race as to the book's content. "I think it's a black-white thing," said student member Joe Briggs. "This is the only black author the class can read."

The decision has been appealed to a district review committee, but, according to Doddemeade, "literature has been saved, at least for now." Reported in: *Tampa Tribune*, October 7, 22; *The Ledger*, October 6, 8.

Marysville, Kansas

By a narrow 4-3 vote, the Marysville Unified School District 364 School Board on September 13 upheld a special committee's recommendation to keep six controversial books by author Ken Follett on the high school library's shelves. "This isn't an issue of morality, it's a legal issue," board member Mark Neish said.

The decision came after the Rev. Calvin Reyburn appealed the recommendation of a special committee made in July that called for the six books to be made available to high school juniors and seniors. Last March the school board voted to remove the books, but then reconsidered and submitted the titles to the formal review process (see *Newsletter*, May 1992, p. 70; November 1993, p. 177).

The six books are: *The Key to Rebecca*, *Triple*, *The Pillars of the Earth*, *Night Over Water*, *Lie Down With Lions*, and *Eye of the Needle*.

"When we became School Board members," said Neish, "we all went down to the courthouse and took an oath to uphold the Constitution of the state of Kansas and the United States. If we say 'no' to this report, we might as well throw out a welcome mat for a huge lawsuit that will bankrupt this school district. Reported in: *Beatrice Daily Sun*, September 15.

Indianola, Iowa

The Indianola Public Library Board on November 9 unanimously rejected a local man's request to remove a book about homosexuality from library shelves. "This book, in my judgement, is informational, educational and harmless," board member David Dryer said.

John J. Taylor filed the request in October, asking the board to remove *Is It a Choice?*, by Eric Marcus, because it was not "of much concern to the Christian-believing people of this community." In his request, Taylor wrote, "The Old Testament clearly condemns this behavior and the New Testament, our guide, strongly sets forth the guide for everyone to be forewarned of this sinful nature. Tell the homos to read God's Bible. Best book yet."

Following comments from community members, the board voted 7-0 to keep the book, which was purchased after a

patron pointed out a lack of information on homosexuality in the library. "We needed to have it," said library director Charles Ginder. "I looked at our collection and realized there was a gap." Reported in: *Des Moines Register*, November 4, 10; *Indianola Record-Herald*, November 3.

Iowa City, Iowa

The "Stupid" family will remain on bookshelves in Iowa City elementary school libraries, a school district committee decided October 27. The Iowa City School District Reconsideration Committee decided to deny a request by two parents who criticized *The Stupids Have a Ball*, by Harry Allard and James Marshall. Susan and Robert Cro objected to the book because they thought it sent confusing messages to young children.

In *The Stupids Have a Ball*, the Stupid family throws a costume party when the children flunk everything in school. The Cros filed a formal complaint about the book when their daughter, a first grader at Mark Twain Elementary School, brought the book home. They said the book reinforced negative behavior and low self-esteem, since the Stupids rejoice in their children's failures.

Members of the committee and other parents who attended the meeting disagreed, however. Victoria Walton, a media specialist, said the word "stupid" in the title was enough to indicate that the book contained exaggerated humor.

Committee member Jack Kennedy, a high school journalism teacher, said he conducted an informal poll of his classes and found that some forty percent of high school juniors and seniors remembered the book. "And nary a one of them is mixed up in any way" about the book's intent, he said.

"In fact, your own daughter has been poisoned in whatever way it may be" by the situation, Kennedy added. "I personally am bothered that you come to us now and say not only is it inappropriate for your daughter, but it's inappropriate for ours as well."

PTA president Janice Simmons-Welburn, a parent and university librarian, also defended the book. She said her children found it hilarious and said the Stupid series was an excellent way to introduce young children to humor. Reported in: *Iowa City Press-Citizen*, October 23, 28.

Salisbury, Maryland

Four books on homosexuality intended for juvenile readers will be returned to the shelves of the Wicomico County Free Library. The library's board of trustees voted 14-2 October 12 to keep *Heather Has Two Mommies*, by Leslea Newman; *Daddy's Roommate*, by Michael Willhoite; *The Daddy Machine*; and *The Duke Who Outlawed Jelly Beans*.

Pastor Phillip Alan Lee of Liberty Church of Christ, who complained about the books, said he has sought legal advice on whether the board can be abolished.

Board member Kay Crouch said she found nothing lewd or suggestive in the books. "Can I decide what the lifestyle

of somebody else will or won't be?" she asked.

"Only parents can deny children literature," added board vice chair Alice Gibson. "The library board of trustees, we're not the parents." Reported in: *Baltimore Sun*, October 16; *Salisbury Daily Times*, October 14.

Minneapolis, Minnesota

A picture of Margaret Sanger with an accompanying quotation will continue to hang in the library at the University of St. Thomas, despite requests from Bishop Robert Carlson that school officials remove the poster of the founder of Planned Parenthood. University President Dennis Dease defended the inclusion of the pioneer birth control advocate in a display of posters depicting historical figures.

"The posters are meant to be thought-provoking and represent people whose actions have had a lasting impact on society," Dease said. "The Sanger poster contains no references to abortion, but instead encourages people to put their convictions into action."

Carlson had requested that the poster be removed after a St. Thomas graduate complained that the school shouldn't promote a person whose beliefs were against the Catholic faith. Provost Charles Keffer then asked library director Jean Haley to "think about" taking down the poster. Haley did, and decided not to do so. Dease sided with Haley.

"I am committed to the free expression of ideas at St. Thomas," the university president said in a statement. "Under the canons of academic freedom, it would be improper for me to remove the [poster] or interfere with the way [it is] cataloged or displayed." The poster, part of a series distributed by ALA, had been on display for more than a year alongside posters of Martin Luther King, Mohandas Gandhi, and Rachel Carson. Reported in: *Minneapolis Star-Tribune*, October 8; *St. Paul Pioneer Press*, October 8.

Billings, Montana

A request by a Billings Heights parent to ban a book that she said is "demented" and pokes fun at religion was denied October 8 by a review committee. Nancy Thomas submitted a request in September, asking School District 2 to remove *The Long Secret*, by Louise Fitzhugh, from the Eagle Cliffs Elementary School library. But a committee of three elementary school teachers, a principal, a parent, and two librarians decided to keep the book without restrictions.

The book is about an adolescent girl trying to uncover a mysterious writer of notes drawn from the Bible or on religious themes. Thomas complained that the book "makes fun of God, joking about the Bible and puts down religion. There are very descriptive words and swearing in it. Part of the story takes place in a bar." She called the main character an "emotionally unstable young girl," adding that "there is the issue of menstruating in it that was totally inappropriate and could scare young girls."

"It didn't seem that shocking to me or that bad," said parent Mark Hedin, who served on the committee. "Overall,

I couldn't see where this was any different than seeing a prime time TV show."

Sherry Ward, a fourth grade teacher, said she was offended by what she perceived as a negative view of religion in the story, but she didn't find the contents objectionable enough to restrict its use. Reported in: *Billings Gazette*, October 6, 9.

Seaside, Oregon

When Heroes Die, by Penny Durant, a Seaside Public Library book that was challenged for promoting homosexuality, will remain in the young adult section of the library, the Seaside Library Board voted unanimously October 5. "It was very age appropriate," said board member Kay Aya, an elementary school teacher. "In tone, it was almost stuffy; it was not lurid in any way. Certainly, it didn't promote any lifestyle."

The book, for readers ten-years-old and older, is about an adolescent boy who learns that his uncle has AIDS and is dying, and that his uncle is gay. Reported in: *Seaside Signal*, September 30; *Daily Astorian*, October 6.

Harrisburg, Pennsylvania

Despite an avowed atheist's claim that the book is obscene, the West Shore School Board unanimously rejected a demand that the Bible be banned from district libraries. George Rollason, who has children in the district, called for the removal, declaring that the Bible "contains language and stories that are inappropriate for children of any age," including tales of incest and murder.

Rollason cited passages from Genesis and the Gospel According to Luke, saying they were among more than three hundred examples of "obscenities" in the book. But the school board said the Bible's merits outweighed Rollason's objections. "I think the Bible has a lot of lessons for everybody," board member Dan Delaney said.

"For an education system to not have on its shelf the best-selling book that has ever been published would be a travesty," added board member Marvin Beshore. Reported in: *Harrisburg News/Patriot*, September 20.

Sussex, Wisconsin

Daddy's Roommate, by Michael Willhoite, the controversial children's book about a divorced father and his gay lover, will remain in the children's section of the Pauline Haass Public Library, the library board decided September 23. The board voted 5-2 to uphold the library's decision to retain the book despite protests that had divided the community for two months (see *Newsletter*, November 1993, p. 179).

The board also voted 6-1 to create an ad hoc committee to decide how children's books are selected and shelved in the library, and to discuss whether the board should endorse the ALA *Library Bill of Rights*. However, at its next meeting on October 21, the board voted 3-1 not to create the committee after all, owing to "a lack of interest."

The controversy arose when parents Shannon and Peter Meissner filed a complaint asking that *Daddy's Roommate* be removed as inappropriate for younger readers. Fourteen other residents filed complaints about the book after the Meissners wrote a letter to a local newspaper.

But Library Director Joy Botts said that parents, not librarians should be responsible for monitoring what books children read or check out. "It is not the purpose of any public library to tell people what they should or should not read, what they should or should not believe," she said. "A view which has been expressed by a vocal few and which must not be allowed to prevail is that the library should be promoting a specific morality in the selection of materials." Reported in: *Milwaukee Sentinel*, September 17, 24, October 22; *Milwaukee Journal*, September 24; *Sussex Sun*, September 26.

schools

Ojai, California

A controversial ninth grade literature textbook will remain in Nordhoff High School classrooms despite some heated opposition. The Ojai Unified School District Board of Education decided November 2 to keep the book after listening to thirty speakers attack and defend it. The meeting culminated a month of controversy marked by heated debate at two public meetings and a petition drive against the book.

The protests centered on four short stories and a poem — a total of ten pages in a 1,500-page anthology entitled *Literature: Introduction to Fiction, Poetry, and Drama*. Opponents charged that the selections contained foul language and blasphemy, and that they glamorize sexual misconduct.

"In my thirty years in the district, I have been trained to recognize smut," Mira Monte Elementary School Principal Larry Hartmann told the school board. "Consider going into a fine restaurant and they bring you rice pudding with a maggot crawling across it. Are you going to dig in your heels and protect the maggot?"

"This is a tremendous collection of wonderful authors, and gives students an exposure to many, many wonderful writers," countered Assistant Superintendent Pam Martens, adding that the list included James Thurber, Tolstoy, Shakespeare, James Joyce, Edgar Allen Poe, John Steinbeck, Lewis Carroll, e. e. cummings, and Robert Frost. She noted that students were not forced to read the stories in question.

"These folks are taking words and a tiny little piece of language totally out of context," added Nordhoff principal Michael Maez. "The book has been approved by the California State Board of Education and a local panel of parents and teachers."

"It's disgusting and appalling," countered Alan Fletcher, who has made two unsuccessful bids for a school board seat. "I'm trying to make the point that if children can't speak this way at school, if newspapers can't print this informa-

tion, what in the world is it doing in a high school textbook?"

"Greasy Lake," a short story by Canadian writer T. Coraghessan Boyle, drew the most fire for its language and depiction of three teenage boys on a night romp involving alcohol, drugs and attempted rape. Maez said the story could be used by teachers to show the consequences of certain behavior.

"For adolescents, the story is a message about rites of passage and making poor choices; that's why teachers like to use it," he said. "It is a very contemporary story of teenagers fully in rebellion and it isn't all pretty."

But board member Tim Peddicord summed up the view of the board members when he said, "If we throw out this text, we will open ourselves to continual challenges of other books." Reported in: *Ventura County Star Free Press*, October 18; *Ojai Valley News*, October 20, November 3.

Sparks, Nevada

Students at Sparks elementary schools got their dictionaries back October 29 after a review panel rejected a sixth-grade teacher's much-publicized bid to remove the books because they include obscene words. The decision followed an impassioned public hearing dominated by parents and educators against censoring school dictionaries. With eleven of fourteen witnesses opposed to removal of the books, the committee voted unanimously to return 1,100 copies of *Merriam-Webster's Collegiate Dictionary* to elementary school classrooms and libraries.

The controversy began when the unidentified teacher removed the dictionaries from her class when she saw they contained the "f-word" and other foul language. The teacher took her concerns to the school principal who asked district officials to investigate. Superintendent of Schools Mary Nebgen then told principals to remove the dictionaries from classrooms and libraries "until we have a chance to review them."

Although initial reaction to the move was muted, as the story won coverage by the local media calls to the superintendent's office began to strongly favor keeping the books.

"When I hear of someone taking a reputable reference book out of the classroom I could almost weep," retired teacher Marjorie Sill told the review committee. "For two years that I was teaching college-bound senior English we had to look things up in the library because we didn't have classroom dictionaries."

"I do not think a child when he comes across a word that's profane or otherwise should be kept in ignorance of it," said Scott Stevens, a parent who identified himself as a devout Mormon and adamant opponent of censoring school dictionaries. "I just wanted to give what might not be the typical religious view on this issue." Reported in: *Reno Gazette-Journal*, October 12, 13, 29; *Daily Sparks Tribune*, October 12.

Manasquan, New Jersey

After more than two hours of heated discussion October 25, the Manasquan Board of Education stood firm in its decision to retain *Kaffir Boy*, the autobiography of black South African tennis champion Mark Mathabane, as part of its ninth grade English/History mentor program, where the book is required reading. Carl Voorhees, who has a daughter in the mentor class, objected to a section in the book which describes a homosexual encounter. Reported in: *Manasquan Coast Star*, November 4.

Bismarck, North Dakota

Two seventh-grade reading books that sparked a six-month controversy over their use of profanity and sexually explicit language will remain part of the curriculum at Hughes Junior High School, the Bismarck School Board ruled October 11. In a unanimous decision, the four-member board affirmed an earlier decision by the district's superintendent allowing the books to stay.

"I found nothing to indicate [the teachers] violated either the letter or the spirit of the district's policy by using these books," board member Jim Vukelic said. "I believe the [opponents] failed to prove their point. I don't think we should allow a parent or even a group of parents to have veto authority over this. We have to rely on professionals who've made it their career to make good sound decisions."

The controversy started last May when Cindy Hochstetler began a protest against the books *Jason and Marceline*, by Jerry Spinelli, and *Dead Bird Singing*, by Marc Palbert, after hearing her son talk about excerpts in one book. Previously, librarians had responded to a request by Hochstetler by moving the novels *Deliverance*, by James Dickey, and *Vision Quest*, by Terry Davis, from middle to high school libraries (see *Newsletter*, September 1993, p. 145; November 1993, p. 178). But seventh grade teachers Fran Joersz and Peggy Hoge resisted efforts to remove the Spinelli and Palbert books from supplementary reading lists.

The district formed a committee to examine the books and it supported the teachers, as did district Superintendent Lowell Jensen. Hochstetler, who formed an organization called Save Our Schools and eventually enlisted the support of dozens of other parents, appealed to the board.

In testimony before the board vote, she said the books undermine parental authority and expose seventh-graders to inappropriate language and situations. "This is not a question of censorship," she said. "This is a question of what is appropriate for our children, and these books are not." Reported in: *Bismark Tribune*, October 12; *Fargo Forum*, October 12.

film

Tampa, Florida

By a 4-3 vote October 6, Hillsborough County commissioners rejected a request by David Caton, Florida's leading

anti-homosexual rights activist, that it cut off public funding of Tampa's fourth annual Gay Pride Film Festival. The commission sought, unsuccessfully, to pacify Caton by voting against using public money to promote sexual exploitation of children.

That was acceptable to the festival's director, Mark Puig. "We do not support the exploitation of children," he said, noting that none of the films in the festival feature sexual acts involving children. In fact, Puig stressed, most of the films were not erotic.

The festival received a \$28,000 grant from the Arts Council of Hillsborough County. The money came from local tourist taxes and is supposed to support festivals that attract visitors. It was the second successive year that the festival had received funding, and the amount was nearly tripled from the previous year because the Council had been impressed with the number of out-of-towners the event attracted.

Caton, who is leading a campaign to amend the Florida Constitution to prohibit gay-rights laws and has previously been prominent in an array of anti-pornography and anti-sex education efforts, complained that the festival is intended to "promote the gay lifestyle."

Commissioner Joe Chilura offered the formal motion to cut off public funding "for this type of thing." It failed on a 4-3 vote, with the majority saying his motion was vague and amounted to censorship. Commissioner Jim Norman then offered a compromise calling for the county to not spend tax dollars on activities that sexually exploit children. That passed 4-3. Reported in: *St. Petersburg Times*, October 7.

theater

Dallas, Texas

A wedding without a kiss? The director of a children's theater ordered a kiss excised from a scene after a businessman complained because the actor was black and the actress was white. The actor went ahead and kissed his "bride" on the cheek anyway, and the theater director reversed her decision after a flood of complaints.

Scheles Rhynes said he was not punished for defying the September 16 decision of Dallas Children's Theater executive director Robyn Flatt, who had ordered the kiss removed from *Ramona Quimby*.

At a non-public performance for schoolchildren, he took Kristina Fail's face in his hands and kissed her on the cheek. "The fact that they got married needed some sort of affirmation," he said. "I don't think a handshake could be used." Earlier, actress Fail said she was appalled at the order not to kiss.

Later that day, Flatt reversed her order and reinstated the kiss, saying the program had received more than a hundred calls. "My reason for changing one small portion of the show was to defuse a situation that was taking the focus off the

me of the play," she said. "In fact, the opposite happened, and I feel I made the wrong call." Reported in: *St. Petersburg Times*, September 18.

shopping mall

Moscow, Idaho

Shoppers at the Palouse Empire Mall were treated to readings from banned and challenged books September 25 after a ban on participation in Banned Books Week was lifted by the mall's landlord, the Spokane-based McCarthy Management and Development Co., a subsidiary of Goodale and Barbieri Companies.

The flap started earlier in the week when representatives of the American Society of Journalists and Authors were told they couldn't set up a table in front of Waldenbooks to read passages from challenged books as part of the store's recognition of Banned Books Week. The group relocated to another store. Learning of the ban, a Moscow carpenter named Aaron Ament began organizing a "guerilla" reading at the mall, saying his group would read at the mall's three main entrances until "authorities ask them to stop or the police haul them away."

"A number of people are protesting the abridgement of our freedom and view this as an extremely serious threat to our rights as Americans," Ament said.

Ament was contacted, however, by James Bold, a property manager for Goodale and Barbieri, who told him there would be a table set up for his group. Reported in: *Moscow Daily News*, September 23, 24. □

(Canada . . . from page 12)

magazine stores. In the pre-Butler days, Jorgensen had a tough time doing business in some Canadian jurisdictions, particularly Manitoba. At one point, he said, police raided his eight Manitoba stores, seized more than 10,000 films and filed more than 1,700 charges, warning him that he would be convicted if he didn't shut down. So he closed his business in the province.

But soon after *Butler*, Jorgensen reopened. He said his reading of the new ruling persuaded him that the courts would tolerate much more in Manitoba than in the past. Since the judges had jettisoned the old thinking about immorality and embraced modern feminist arguments, he said, "That indicated to me that they were going to be more tolerant of adult-oriented material; that they understood that we've advanced a little beyond the Victorian era; that wives don't have to wear gowns with holes in them to bed at night any more, and that society is not going to come tumbling down around our ears because there are a few adult pictures floating around."

So far, his interpretation seems on target. These days, he

said, when his shops are raided, the police take maybe a dozen films, instead of thousands as before. And what of the harm done to women? "Adult material has nothing to do with women and children," Jorgensen explained. "It has to do with sex. The last time I checked sex was still something that happened with couples." Reported in: *Los Angeles Times*, September 6; *Bloomington Voice*, October 13. □

(Clinton/Rushdie . . . from page 1)

of the issue fading away, the issue is getting more and more prominent, and the support of the American administration today is the most obvious and emphatic demonstration of that fact."

The author said he had not expected to meet with Clinton until Lake escorted him across Old Executive Drive to the studio where the President was taping television interviews. Rushdie said he and Clinton had a warm conversation about "all sorts of little literary things" including "Bill, and Norman, and books." Rushdie said he was referring to novelists William Styron and Norman Mailer, who had urged the President to meet with him.

Since the Ayatollah Khomeini issued his death sentence on Rushdie, a number of translators and publishers connected to *The Satanic Verses* have been killed or wounded in Japan, Turkey, Italy, and Norway, and demonstrators in Turkey have rioted and marched on American offices to protest publication of the book.

Asked about what had changed since his last visit to Washington in March, 1992, Rushdie replied, "The last time I didn't get very near the White House." At that time, Rushdie had sought a meeting with top Bush administration officials, but while he did meet with Senators from both parties, advisers to President Bush feared that a high-level meeting would provoke Iranian-backed retaliation against American hostages in Beirut.

Marlin Fitzwater, Bush's press secretary, said at the time: "There's no reason for any special relationship with Rushdie. I mean, he's an author, he's here, he's doing interviews and book tours and things that authors do. But there's no reason for us to have any special interest in him."

Clinton administration officials said they had not underestimated the danger that the meeting might provoke retaliation. But they said the freeing of the last American hostages in Lebanon had provided new latitude, while the refusal of Rafsanjani to lift the death sentence provided new cause for a tough American stance. Reported in: *New York Times*, November 25. □

(censorship dateline . . . from page 20)

A media official involved in the controversy disagreed: "The old system is still alive," said Andras Bano, the suspended television editor. "The government has the right to control the media, and the media has to support the government." Reported in: *Washington Post*, November 9. □

intellectual freedom bibliography

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