

newsletter
on
intellectual
freedom



IFC ALA

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**intellectual
freedom in
Christian
college
libraries**

By Craighton Hippenhammer, Public Services Librarian, Olivet Nazarene University. The following article summarizes the results of a survey reported in full in The Christian Librarian, November, 1993, and February, 1994.

Intellectual freedom is a hot topic among conservative Protestant (evangelical) college librarians. They have written quite a number of articles on the subject, some calling for intellectual freedom, others for different varieties of censorship. There has never been, however, a survey taken of their collective opinion of the subject. This is not surprising, because there has been very little research done in academic libraries of all types on the subject of their own censorship, the assumption being that they don't have a problem. One recent Canadian research article (*College and Research Libraries*, July, 1989, pp. 420-432), claiming to be the first comprehensive academic library survey on the subject, suggests that academic libraries may have a bigger problem than they have been so blithely supposing.

I undertook a survey of Christian college libraries in the United States and Canada early in 1993 to determine how their librarians handle patron objections to their collections. I surveyed their policies and procedures, the nature of their support for the *Library Bill of Rights*, the nature of challenges, selection of controversial materials, intellectual freedom definitions and level of librarian education. The full survey is published in two issues of *The Christian Librarian*, November, 1993, and February, 1994.

Of the 122 valid surveys mailed out in November, 1992, with a follow-up mailing for non-returns in February, 1993, 91 were returned for a 74.6 percent return ratio. Two thirds of the returns were from Christian College Coalition colleges, and one third were from Bible Colleges. The CCC is a coalition of eighty or so colleges and universities that claim to be liberal arts schools of higher education, offering a wide variety of subjects that emphasize a Christian perspective (they hire only Christian professors), and that agree to open themselves to certain financial disclosures. Bible colleges usually limit themselves to a narrower scope, offering only theological and church-related majors, and are generally more conservative.

Most Christian college libraries have a policy for handling patron objections to library resources: 72.5 percent said they have a policy, but only 68.2 percent of them were written

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'gangsta rap' under fire

Four years after N.W.A.'s *Straight Outta Compton* album popularized so-called gangsta rap, the debate over the stark, confrontational music, with its brutal language and frequent celebration of violence and misogyny, has escalated. The arrests last year on charges ranging from assault to murder of some of the genre's biggest stars — notably Snoop Doggy Dogg, Dr. Dre, and Tupac Amaru Shakur — further heightened sensitivity in the recording and radio industries to criticism that the music promotes violence. Some executives at major record labels have suggested that major corporations could eventually pull the plug on the multimillion-dollar gangsta rap market.

"At this point, no one is panicking," said one executive. "But there is a heightened degree of anxiety and measured concern about the arrests because no one wants to be associated with immoral behavior. If a rapper is convicted of a violent crime, however, you could see a further retreat from the rap market."

The entertainment industry began paying attention to criticism of gangsta rap by parent groups and media watchdog committees in 1992 after the widow of a slain Texas state trooper sued rapper Tupac Amaru Shakur, blaming his "cop killing" lyrics for her husband's death. Soon MCA and A&M Records made news by refusing to release certain gangsta songs because of concerns over content.

Gangsta rap lyrics also began to draw fire late last year from black-owned radio stations. On November 13, in a move that represented a radical departure from positions taken by many other stations, especially those serving black audiences, KACE-FM in Los Angeles, a black-owned station which plays mainly rap and rhythm & blues, said it no longer would play music that "glorifies drug use, is sexually explicit, encourages violence, or denigrates women."

"We took a good hard look at the sad state of our community — the drugs, gang violence, degradation of women," said KACE program director Rich Guzman, "and we decided to get back to the basics of what we are licensed to do, which is to serve our community."

Soon after, one of New York City's most influential black radio stations announced that "material which advocates violence, and uses derogatory, profane or misogynist lyrics" will no longer air on WBLS-FM or any other stations owned by Inner City Broadcasting Corporation. WBLS is consistently among the highest-rated New York stations. Inner City also owns a jazz station in San Francisco and an oldies station in San Antonio, Texas. "When the government censors what you can hear or read, that is censorship," said Inner City chair Pierre M. Sutton December 7. "We as responsible broadcasters are exercising our best judgment as to what should air over our stations."

The next day another Los Angeles station, KPWR-FM, the most popular English-language station in Southern California, said it would drop the use of three derogatory

words in rap songs it plays. Station officials said the offending words won't simply be bleeped out but will be garbled or otherwise masked by music or sounds, depending on the song.

The deletion of the three words — "nigger," "bitch," and "whore" — followed a request two weeks before by a group called Stop the Violence, Increase the Peace, which had threatened a boycott if the station did not ban the words. A meeting with members of the group spawned on-air forums in which many listeners expressed disgust with the words.

While many critics of gangsta rap suggest that violent lyrics cause listeners to become more "callous and aggressive," free speech advocates say there is no evidence that gangsta rap affects people's behavior. "This idea that banning music about violent reality will somehow stop reality from being violent is ludicrous," said Lee Ballinger, associate editor of *Rock 'n' Rap Confidential*, an industry newsletter. "The attack on gangsta rap is being led by individuals who are providing absolutely no solutions to the social and financial problems that rappers are telling us about."

But to the Rev. Calvin Butts of New York's Abyssinian Baptist Church, a persistent critic of violent and sexist rap who last June expressed his anger by running a steamroller over a bunch of gangsta rap CDs and cassettes, there is no question that gangsta rap songs and videos "glorify violence and other kinds of vulgar and irresponsible behavior. While rap may not be the cause, it does exacerbate the problem of violence in the streets."

"We're talking about trying to turn people's heads so they will realize how bad this stuff is," Butts said. "Most people fail to realize — particularly those of us who are insulted by this trash — that we, too, have freedom of speech. We, too, can say how we feel. We're not talking about censorship, but we *can* say to the record companies, 'You say you are socially responsible, you say you are concerned about the nature of our society and what's happening to our children. We say, as long as you're doing this, you are hypocrites, you're lying, you're not telling the truth. You will do anything for money, even promoting bigotry, misogyny, homophobia and violence. Most importantly, violence.'"

The National Political Congress of Black Women in December began a campaign against the misogyny of much rap music. "We are on a crusade," said C. DeLores Tucker, chair of the organization. "This repetition of cultural garbage is producing and promoting low self-esteem and disrespect for the sanctity of human life." Tucker said her group would put pressure on producers and distributors of rap music to "stop the wholesale marketing of this kind of music across America."

"We don't want to use the word boycott," she explained, "but we want to bring to the community what this rap is

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IFC report to ALA Council

The following is the text of the Intellectual Freedom Committee's report to the ALA Council delivered by IFC Chair Candace Morgan at the ALA Midwinter Meeting in Los Angeles on February 9.

It is my pleasure to report on the activities of the Intellectual Freedom Committee at this Midwinter Meeting. In a departure from the recent past, the IFC is not proposing any action items. We have addressed our attention to several issues at this conference that may require Council action in the future. I would like you to be informed about what we are doing.

Interpretations of the Library Bill of Rights

The Committee has spent the last six years reviewing, revising and adding to the Interpretations of the *Library Bill of Rights*. One Interpretation, "Regulations, Policies and Procedures Affecting Access to Library Resources and Services," has been the subject of several unsuccessful attempts at revision. These attempts have led us to conclude that what is needed are Guidelines to assist librarians and library governing authorities to take into consideration constitutional principles as they develop and review library policies, regulations and procedures that may affect the First Amendment rights of library users. The Committee has adopted a first draft of such Guidelines and will be distributing them for comment to all ALA units. If the response to this approach is favorable, we will ask you to rescind the Regulations, Policies and Procedures Interpretation.

Continuing Attacks on the Freedom to Read

Special interest groups continue to attempt to force all types of libraries to impose content based restrictions on library collections and to limit access to minors based on content and viewpoint. Whether the subject is violence, sex, religious values, or gay positive publications, the pressure groups' censorship drive is simplistic and ignores the meaning of the First Amendment. Their campaign is organized, well funded and is reaching much of the American public.

The Office for Intellectual Freedom (OIF) does an outstanding job of responding to requests for assistance. Its publications are used throughout the country by citizens' groups, as well as by librarians and library trustees. However, the resources available to the OIF are inadequate to meet the challenges we face. If the freedom for each individual to choose what she or he wishes to read, view or hear, and the freedom of parents to make choices for their own children is to be preserved, the American Library Association must find additional ways to support librarians under fire and to communicate to the American public the message that a free and unrestricted library is essential to the survival of a free society.

Some responses to this situation are already underway. A new professional position in the Office for Intellectual Freedom was funded as of September, 1993 and will, we hope, be advertised and filled soon. The OIF has launched an Intellectual Freedom Listserv to provide a forum for discussion of intellectual freedom issues. To subscribe to the list, send the message SUB ALAOIF (your name to LISTSERV@UICVM.UIC.EDU). The OIF's proposal for a much needed Leadership Development Institute was not funded in the last budget, but ALA's new development officer, Patricia Martin, is providing valuable assistance in seeking outside funding.

These efforts are not enough. The IFC believes there is a need for a national publicity campaign on intellectual freedom designed to present a unified, coherent, and powerful message to help the public understand the difference between ideas and action, and the importance of access to ideas and information from all points of view in library collections.

The IFC has begun work on the development of this campaign. In response to a proposal from the Freedom to Read Foundation, we will be soliciting twelve intellectual freedom "experts" to write op-ed pieces that will be distributed over the next year to newspapers in medium-sized and small communities. We will contact state IFC's and ask for their assistance in monitoring and responding to letters to the editor that these op-ed pieces undoubtedly will elicit. The OIF will contact ALA's PIO to explore how this campaign can be incorporated into current ALA publicity plans. A subcommittee has been appointed to develop additional aspects of the campaign. The IFC and OIF will investigate available resources to provide support and funding for this campaign. We will keep you informed and we may come to you for help.

The OIF and the IFC continue to monitor and, when appropriate, respond to censorship attempts of all kinds. Four areas, however, have required the most effort: attacks on gay and lesbian literature in libraries; violence; the national information infrastructure; and minor's access. Current ALA policy and resolutions have served as well as a framework for responding to these challenges so we are not seeking additional action from Council.

To keep you informed, a summary of what is happening in these areas follows:

Anti-Gay Initiatives

The onslaught against gays and lesbians continues, with new proposals to limit civil rights for homosexuals in Oregon, Washington, and Idaho. In each of these states, signatures are being collected to place initiatives on the November ballot that would mandate that items dealing with homosexuality in public library collections be limited to those written for adults and that access to materials dealing with homosexuality be limited to adults.

At the Annual Conference in New Orleans, this Council adopted a resolution designed to be useful and immediately

available in states where such initiatives are introduced. In addition, this Council adopted a new Interpretation of the *Library Bill of Rights* on access to information without regard to gender or sexual orientation. These documents have been, and continue to be, essential in defending library collections and the rights of gays and lesbians.

Violence

There is a widespread and increasingly unquestioned assumption abroad in the land that depictions of violence cause violent behavior. As many as twelve different bills have been introduced in Congress to require the labeling of, or outright content restrictions on, television programming. Similar bills are being considered by state legislatures. The video game manufacturers and retailers have banded together in a defensive action, similar to that taken by the MPAA more than 20 years ago, to develop a voluntary ratings system on violence. This will inevitably impact libraries as demands for the enforcement of age-based restrictions and rating systems continue.

The OIF and at least one state association have used current ALA policy to take a strong position and speak out about the fantasy that censorship is a quick fix for social ills. We will continue to study and monitor this situation to determine if further Council action is necessary.

National Information Infrastructure

The IFC discussed several issues relating to the National Information Infrastructure (NII), including: the information highway as a public forum, where content or viewpoint based censorship and age-based restrictions raise constitutional questions; the importance of libraries as essential participants; the importance of providing libraries with access to databases produced at public expense without further charge; concerns about privatization; and the danger of creating an information "have" and "have not" society. Various members or representatives of the Committee will be attending conferences where important aspects of the NII will be discussed, including the fourth Computers, Freedom and Privacy Conference to be held in Chicago next month, and a conference in April in Boston on developing an equitable information infrastructure.

The IFC is participating in several efforts to develop written principles for the electronic network. These include the *EDUCOM Bill of Rights and Responsibilities for Electronic Learners* and the *Principles For the Development of the National Information Infrastructure*.

Minors' Access and Privacy Rights

Minors' access is an important aspect of each of the issues discussed above. In addition, prior to the Midwinter Meeting, the Office for Intellectual Freedom informed the Intellectual Freedom Committee of a surge in pressures being brought to bear on libraries to institute procedures and use technology to "assist" parents in regulating their children's library use.

Such "assistance" includes dual card systems, which allow parents to designate that their child shall not be permitted to borrow any materials from the adult collection, or materials of a particular format, such as videos, or even denying access to a specific list of titles. Libraries are also facing increased demands to violate the confidentiality of information about young patrons. The Committee views with concern the momentum which has built around these efforts to transfer parental responsibility to libraries. At the same time, the Committee believes that the library profession has not been proactive enough in informing parents how they might use reader's advisory services to assist them in directing their own children's reading. We feel that this is an issue that must be addressed in our proposed national public information campaign.

Alex Allain Memorial

As Gordon Conable, President of the Freedom to Read Foundation, reported to you yesterday, Alex P. Allain, co-founder and first President of the Freedom to Read Foundation, and tireless defender of libraries and intellectual freedom, died on January 5, 1994.

In addition to his being one of the founders of the Freedom to Read Foundation, Alex was a driving force behind the establishment of the Office for Intellectual Freedom. He was one of the first to recognize the need for a mechanism within ALA to respond to threats to intellectual freedom. Alex offered a lifetime of leadership and guidance to the American Library Association and the library profession, and will be remembered with particular fondness for his ability to address controversial issues with grace and tact.

Frank Zappa Memorial

Defenders of free expression lost a champion on December 4 when Frank Zappa died of cancer. Zappa was an uncompromising defender of free expression and one whose razor wit and zero tolerance for political nonsense led the battle against government mandated record labeling and other forms of censorship.

The Office for Intellectual Freedom and the Freedom to Read Foundation have been designated by the Zappa family as among the organizations to receive donations made in his memory. Librarians who have championed intellectual freedom are touched and honored by this act of generosity. Frank Zappa was a hero to all those who cherish freedom.

Other

Finally, the Committee looked at the Code of Conduct for Business operating in South Africa and concluded that this issue was outside its purview.

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FTRF report to ALA Council

The following is the text of the Freedom to Read Foundation's Report to the ALA Council delivered by FTRF President Gordon M. Conable at the ALA Midwinter Meeting in Los Angeles on February 8.

As president of the Freedom to Read Foundation, it is my pleasure to report to the ALA Council on the Foundation's activities since the Annual Conference in New Orleans. The courts have been busy deciding cases in which the Foundation participated either as a plaintiff or *amicus* and also have rendered decisions in cases the Foundation is watching because they may warrant our involvement in the future.

Alex Allain

With great sorrow, we report to you the death of Alex P. Allain, co-founder and first President of the Freedom to Read Foundation, and tireless defender of libraries and intellectual freedom.

In the dark days of McCarthyism in the 1950's, Alex's courage, leadership and perseverance inspired all librarians who came in contact with him. In 1969, Alex was instrumental in establishing the Freedom to Read Foundation. He articulated the need, set the parameters for Foundation activity and, as President, guided the Foundation through the first five years of its existence. Thereafter, he served as its Special Counsel. His eloquence, his legal acumen, his insight and his single-minded devotion to liberty established the Freedom to Read Foundation as the premier defense organization for libraries and intellectual freedom.

Alex was a generous donor, a kind friend, a sensitive leader and an eloquent spokesperson. He received the Freedom to Read Foundation's Roll of Honor Award in 1989, "for his vision and pioneering efforts on behalf of the freedom to read."

Alex was present at, and instrumental in, every significant policy and organizational development in the Freedom to Read Foundation's history — his influence shines through all of the accomplishments of the Freedom to Read Foundation of which we are most proud. Alex's memory will live on in the dedicated activities of the Freedom to Read Foundation and in the hearts of librarians, for whom he acted as champion, guide and defender. The Freedom to Read Foundation's Board of Trustees has established the Alex P. Allain Memorial Fund in his honor.

Frank Zappa

Supporters of intellectual freedom everywhere reacted with great sorrow at the recent death of Frank Zappa, who was an uncompromising defender of First Amendment rights. Zappa had a unique ability to point out the absurdities of censorship. We mourn his passing. Two days after his death, the Zappa family designated the Freedom to Read Foundation and the American Library Association's Office for Intellectual Freedom as among the organizations to receive

memorial donations from friends and fans. The Foundation has established the Frank Zappa Memorial Fund to receive such donations. To date, we have received a combined total of almost \$7,000 in contributions made in memory of Zappa. We are grateful and touched to have been so honored.

New Cases

The Foundation is watching with interest the progress of a case involving a challenge to the Louisiana Shield Law, where an author, Joseph Bosco, has been jailed for contempt of court for refusing to divulge sources. He raised the Louisiana Shield Law as a defense, but a lower court ruled that the law only applied to "journalists," and read that to mean "people who work for newspapers." The Louisiana Appellate Court agreed that Mr. Bosco could raise the Shield Laws as a defense, but remanded the case to the trial court to determine if it applied in this particular case. There may be an opportunity for the Foundation to participate as an *amicus* if and when the ruling of trial court is appealed, as we expect it will be, regardless of who prevails.

An uproar has erupted in Olathe, Kansas and neighboring communities over *Annie On My Mind*, a book with a homosexual theme which has been the recipient of many distinctions, including selection for the Young Adult Library Services Association "Best of the Best" list. A gay and lesbian organization, "Project 21," donated *Annie On My Mind*, and one other title, *All American Boys*, to the high school library. The superintendent ordered all copies of both books removed, giving varying reasons for his decision, including that books from "special interest groups" should not be accepted. When students pointed out that many books had been donated from other organizations which could fall under that definition and that at least one of the pulled copies of *Annie On My Mind* had been part of the library collection already for years, the superintendent then changed his reasons for pulling the book — he said it should be removed because no one had checked it out for 10 years, and to avoid "controversy." The students organized a massive "check out" of books as a protest to show the emptying of shelves that would occur if "potential controversy" were the criteria for removal.

The local ACLU affiliate, with the assistance of volunteer attorneys and the national office, is determined to sue if the title is not returned. The Board of the Olathe schools and their attorney seem equally determined to keep it off the shelves. This is an important case involving a title which has been recognized again and again as a distinctive book, and the issue of access for young people to information from all points of view. Access to materials which deal with gay and lesbian themes is a particularly contested issue nationwide, the Foundation believes it crucially important that we stand to defend intellectual freedom in this case. Therefore, the Board voted to authorize a donation of up to \$2,500 in support of this case and to keep open the possibility of direct participation.

Litigation - Old Cases

The long saga of *ALA v. Reno*, previously known as *ALA v. Thornburgh I and II*, and *ALA v. Barr*, continues. The government had appealed our most recent victory in our challenge to the Child Protection Restoration and Obscenity Enhancement Act of 1990. Argument on that appeal was held on December 9, 1993. We are awaiting a decision.

In *Alexander v. the United States*, a case involving the constitutionality of forfeiture of expressive materials as a punishment for past speech crimes, the U.S. Supreme Court rejected the Foundation's argument that such forfeitures constituted impermissible prior restraints. The Court did remand the case, however, for separate consideration of whether the forfeiture in this particular incident violated the Eighth Amendment protection against excessive fines.

United States v. Knox

This highly controversial and now highly politicized case involves an extremely broad reading of federal child pornography laws to include photos of fully clothed minors. Unexpectedly, the Solicitor General, Drew S. Days, III, filed a brief which essentially agreed with the Foundation's position that such an interpretation was overbroad. In response to that position, the Supreme Court remanded the case to the Third Circuit for further proceedings. The government then asked that the case be further remanded back to the trial court. The Third Circuit is considering that request. These actions set off a firestorm of political activity in Congress. The Senate voted a unanimous resolution condemning the action and calling for tougher enforcement of child pornography laws. President Clinton then directed Attorney General Reno to draft tougher legislation. Some Senators, however, subsequently indicated that the legislation being drawn up was too strict and that existing law was adequate after all. The issue seems to turn on whether the government may permissibly criminalize otherwise innocent photographs of children, based upon the alleged lascivious enjoyment or perception of those photographs by defendants. Both the political activity and the court case are as yet unresolved.

Non-Litigation Matters

The Foundation is proud to have been associated with a successful effort to open access to the final report of Independent Iran-Contra investigator Lawrence Walsh. The Society of Professional Journalists, the Reporter's Committee for Freedom of the Press and the National Security Archive had filed an emergency motion seeking release of the previously sealed files. The Foundation joined the Association of American Publishers in filing a joint letter with the U.S. Court of Appeals for the District of Columbia Circuit supporting that emergency motion. The Court ultimately granted the motion and the final report on the Iran-Contra Affair has been released to the public with limited redactions allowed for national security concerns only.

Conclusion

Assaults on libraries by enemies of the First Amendment are relentless. Young people's access to information has increasingly become the focal point of such assaults on library collections. In the name of protecting children, self-appointed arbiters of public morality would bulldoze the rights of adults, and of other people's children. The unceasing calls for government usurpation of parental authority to control not only the contents of library collections but the content of television and radio programming, video games and computer information services voluntarily accessed in the home, is riding on a rising tide of irrationality, which has as its ultimate principle, nothing less than censorship as an affirmative public good. History has taught us where such movements lead. With your help, the Foundation will continue its struggle to stem the tide. □

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Conclusion

At no time since the 1950s and the activities of the House UnAmerican Activities Committee, has there been such a grave threat to intellectual freedom as now. Librarians and the American Library Association are being characterized by special interest groups as corruptors of youth and underminers of society. Now more than ever, we need coordinated action. I urge this Council to direct the efforts of this Association and the talents and resources of every unit of this Association in a concentrated, focused, pro-active effort to win the hearts and minds of the American public. The culture war is real, and, once again, libraries are on the front lines. It is my firm belief that if we retreat in any respect from our fundamental principles, based on the United States Constitution, the future will be lost to us. We must not let that happen. □

Indiana school censorship survey

The Intellectual Freedom Committee of the Association for Indiana Media Educators annually conducts a survey of challenges to materials in Indiana schools. For the 1992 survey, questionnaires addressed to "media specialist" were sent to each of the over 2,600 public and private elementary and secondary schools in Indiana. Responses were received from 342 schools, a 70 percent increase over the 1991 response rate.

In 1992, 19.5 percent of the respondents reported receiving patron complaints about library materials, a drop from 26.5 percent in 1991. The respondents reported that approximately 24 percent of challenges resulted in the materials being removed and 14 percent resulted in the materials being restricted. The stated reasons for the challenges were 32 percent for occult-related topics, 22 percent for inappropriate language, 20 percent for sexuality, 12 percent for violence, 7 percent for nudity, and 7 percent for drug or alcohol use. □

most Oregon library challenges fail

Challenges to 71 books, five videos, and three periodicals reported by Oregon libraries between July 1, 1992 and June 30, 1993, resulted in 70 decisions to retain materials on the shelves and continue unrestricted access, according to the *Sixth Annual Report of the Oregon Intellectual Freedom Clearinghouse*, published by the Oregon Center for the Book at the Oregon State Library.

In only two instances were materials removed from Oregon libraries, according to the report. In four cases, decision-makers restricted access to materials. In two libraries, a decision was made to reclassify the materials, and in one library, a decision was made to replace a challenged title with an alternate title on the same subject.

Out of 79 challenges reported to the Clearinghouse in 1992-93, 35 recorded objections to materials containing references to homosexuality. In the five previous years of documenting Oregon library challenges, the highest number of objections to books about homosexuality recorded in any one year was four, in 1988-89.

"Library challenges tend to mirror national and statewide public debate," explained State Librarian Jim Scheppke. "When any issue receives widespread media attention, libraries experience challenges to materials about that issue. If you consider the intensity of the debate surrounding Measure 9 [an unsuccessful proposal on the November, 1992, Oregon ballot to limit homosexual rights], an increase in challenges to books addressing homosexuality is not surprising."

Public libraries experienced 56 of the reported challenges and school libraries 23. Forty-three of the challenged materials were designated as children's and young adult, and 36 were materials for adults. Materials with sexual references and themes, other than homosexuality, were challenged 19 times. Stories or illustrations that were considered too scary or violent for children were challenged 12 times. Books with perceived occult, witchcraft, or satanic references were challenged four times. □

Alex P. Allain

With great sorrow, we report the death of Alex P. Allain, co-founder and first President of the Freedom to Read Foundation, and tireless defender of libraries and intellectual freedom.

Alex Allain was uncompromising in his crusade to establish within ALA a mechanism for defending intellectual freedom and offering support and assistance to librarians faced with censorship challenges. In the dark days of McCarthyism in the 1950's, Alex's courage, leadership and perseverance inspired all librarians who came in contact with him. In 1969, Alex was instrumental in establishing the Freedom to Read Foundation. He articulated the need, set the parameters for

Foundation activity, and, as President, guided the Foundation through the first five years of its existence. Thereafter, he served as its Special Counsel. His eloquence, his legal acumen, his insight and his single-minded devotion to liberty established the Freedom to Read Foundation as the premier defense organization for libraries and intellectual freedom.

Alex was a generous donor, a kind friend, a sensitive leader and an eloquent spokesperson. An Honorary Life Member of the American Library Association, Alex devoted more than thirty years to volunteer activities within the Association and to providing leadership and support. He served on numerous committees, including the Intellectual Freedom Committee, the Committee on Organization, the Committee on Accreditation, and the Code of Ethics Committee. He was a member of the American Library Trustee Association and a past president of the Louisiana Library Trustees Association; for many years, he served as chair of the Louisiana Intellectual Freedom Committee.

Alex P. Allain received the Freedom to Read Foundation's Roll of Honor Award in 1989, "for his vision and pioneering efforts on behalf of the freedom to read." The Foundation's Board of Trustees has established the Alex P. Allain Memorial Fund in his honor.

"This is a sad day for intellectual freedom and librarianship. Both causes have lost a true friend," said Gordon Conable, Director of Montgomery County (MI) Libraries and President of the Freedom to Read Foundation. "Even now, we sorely miss him. But his memory will live on in the dedicated activities of the Freedom to Read Foundation and in the hearts of librarians, for whom Alex Allain acted as champion, guide and defender."

"Alex was present at, and instrumental in, every significant policy and organizational development in the Freedom to Read Foundation's history," said Judith F. Krug, Office for Intellectual Freedom Director. "It was hard enough to lose him as an active participant. But he will never really be gone — his influence shines through all of the accomplishments of the Freedom to Read Foundation," Krug added. □

Zappa memorials directed to ALA & FTRF

The American Library Association's Office for Intellectual Freedom and the Freedom to Read Foundation were designated by the family of the late rock musician Frank Zappa as among the organizations to receive contributions made in his memory. The Foundation has established the Frank Zappa Memorial Fund to receive such donations.

Zappa, who died December 4 at the age of 52, gained national prominence in the late 1960s when he led the experimental band the Mothers of Invention and eventually released almost fifty albums which blurred the lines between rock, jazz and classical music. The most talented iconoclast

of the rock era, he was also known for speaking out on First Amendment issues, testifying before Congress on censorship and violence in the industry. Zappa led the music industry's charge against the labeling of albums with questionable lyrics, going head to head with Vice President Gore's wife, Tipper, and the Parents Music Resource Center (PMRC) during a round of Congressional hearings and talk show appearances.

Zappa made nonconformity his credo, experimentalism his methodology, satire and social commentary his weapons, and the American middle class way of life his target. "My job," he once said, "is extrapolating everything to its most absurd extreme."

"He was an all-purpose gadfly and maverick," wrote Richard Harrington of the *Washington Post*, "the I.F. Stone of rock, though he sometimes came across as its Alfred E. Neuman with long, stringy black hair and the omnipresent mustache and goatee."

Zappa won a Grammy in 1988 for his album *Jazz From Hell*. His recordings won him a large, cultish following, that included many jazz and classical musicians and composers. He often picked up a baton to conduct his bands through classical compositions, which also were performed by major symphony orchestras. He recorded several albums with Pierre Boulez and the London Symphony Orchestra and was honored, along with Karlheinz Stockhausen and John Cage, at the 1992 New Music Festival in Frankfurt, Germany. Conductor Zubin Mehta once called Zappa "one of the few rock musicians who knows my language."

Before the fall of Communism, Zappa's records were smuggled into Czechoslovakia and became underground favorites. The Zappa song "Plastic People" became an anthem of the Czech dissident movement. Vaclav Havel, the playwright dissident who became President of the Czech Republic, was so enamored of Zappa's music that he wanted to appoint him a special ambassador for culture, but the nomination was derailed by the U.S. State Department, then headed by James Baker, whose wife, Susan, was a co-founder of the PMRC.

Zappa's testing of the boundaries of free speech and his use of outrageous and what some called offensive wit drew numerous critics, however. Some gays were offended by the song "He's So Gay." Another song, "Jewish Princess," drew a complaint to the FCC from the Anti-Defamation League of B'nai B'rith. His 1979 epic, *Joe's Garage*, dealt with what would happen if music were illegal.

Zappa's took on Tipper Gore over her effort to curb access to records with sexually explicit lyrics. In Congressional testimony in 1985, he ridiculed Mrs. Gore's assertions that lyrics could promote deviant behavior. Zappa accused Gore and her supporters of fostering censorship and branded them "a group of bored Washington housewives" who wanted to "housebreak all composers and performers because of the lyrics of a few." Zappa later memorialized the encounter in *Frank Zappa Meets the Mothers of Prevention*, which in-

cluded the twelve-minute "Porn Wars" using sound bites from the hearing.

In 1986, he appeared before a Maryland Senate subcommittee considering a bill to ban the sale of obscene records and tapes, arguing that there was no scientific evidence that rock lyrics cause antisocial behavior.

Contributions in Zappa's memory may be sent to the Freedom to Read Foundation/Frank Zappa Memorial Fund or ALA Office for Intellectual Freedom, both at 50 E. Huron St., Chicago, IL 60611. Reported in: *Daily Variety*, December 7; *Washington Post*, December 7. □

press freedom hot issue in Eastern Europe

Egon Lansky considers himself a Czech patriot, but he's prepared to risk two years in prison by saying something to defame his government. "I'm a journalist, and I've even been a government spokesman, but this is not something I like," he said of the recently approved Czech criminal code, which includes a two-year penalty for "defamation" of the government, Parliament, or president. To test the law, Lansky plans to write deliberately defamatory statements about the government of the Czech Republic.

"The legislators and government of today don't understand that in a free society, loyalty is not to the government," Lansky said. "Loyalty is to the free society."

Throughout Eastern Europe, freedom of the press is similarly threatened. While censors no longer thumb through articles crossing out passages, government behavior in the region reflects at the least a lack of understanding of freedom of the press, especially in the electronic media.

In Slovakia, journalists are legally bound to give a "truthful picture of the country" and promote national unity; in Ukraine, a government decree allows for deportation of any foreigner critical of the country; a proposal before Romania's Parliament would provide up to five years in prison for defaming the government or police.

Few independent television or radio stations exist in the region, and most governments view state-run broadcasting outlets as their own province. Network directors who step out of line are quickly replaced with more malleable managers. At least eight broadcasting chiefs in Eastern Europe resigned or were removed last year because of conflicts with their governments. Five different Bulgarians have headed that country's state television network in the last four years. In Hungary, dozens of writers, film makers, and actors have demanded that their work not be broadcast after an independent editor was sacked in November (see *Newsletter*, January 1994, p. 20).

"A key point in this whole region is the television and secondly radio," said Gabor Bencsik, secretary general of the Hungarian Journalists Association. "In all of these coun-

tries, the power, the government, the ruling parties are doing all they can to control broadcasting.”

Current concerns about the print media stem as much from fear of what governments could do under the law as from what they have as yet done. In Poland, for example, a law requiring broadcasters to reflect “Christian values” in their programming has not been tested. The Czech law on defamation — the same type of statute that saw then-dissident and current Czech President Vaclav Havel imprisoned for four years under the Communist regime — has yet to be invoked. And although printing and distribution remain in government hands in most countries, there have been few reports of deliberate abuse of that influence.

Journalists themselves are partly to blame for the problem, some observers believe. With fewer than five years of democratic government during the last half-century in most countries, reporters’ reflexes tend toward self-censorship rather than controversy, and propaganda rather than fact. Many East European journalists understand press freedom to mean they can write whatever they want, with little regard for truth.

“Our journalists are not trained well for a pluralist system; investigative journalism is not present in the Hungarian press,” said Bencsik. “Journalists prefer to express their opinion without investigating the facts and producing documents, and following up and carefully checking things.” Reported in: *Baltimore Sun*, December 26. □

(Christian libraries . . . from page 41)

policies, meaning that only 49.5 percent of all libraries that responded had a written policy. Only 39.4 percent of policies contained a reconsideration form.

A copy of the ALA’s *Library Bill of Rights* was included in the survey. Only 8.1 percent of librarians said they definitely did not support the *LBR*, but more than double (16.7 percent) that number said their official library policy did not support it. The “total support” vote carried 45.3 percent of the librarians, and 46.5 percent said they supported part of it. The two most often noted reasons for objecting to the *LBR* were 1) that it would not be appropriate for private institutions with a specific viewpoint to allow groups who are antagonistic to that viewpoint to use their facilities, and 2) that private institutions limit cooperation with groups of unlike mind.

When asked how many challenges the library had had in the last two years, 51.6 percent said they had had none, and 48.4 percent said they had had one or more. Of those that had had challenges, 84.1 percent mentioned students as a source, one of the major discoveries of the survey. Christian colleges have carved out a niche in the higher education marketplace by claiming their students not only get an excellent education, taught by real professors and not graduate students, but also a moral foundation in a nurturing environment. When something appears in a *Christian* library that

is obviously at odds with the moral stand of the college, many students are surprised. Most of their challenges may be nothing more than requests for an explanation of the apparent discrepancy.

And Christian college libraries *do* include controversial views in their collections: 96.6 percent of the librarians said that controversial ideas that were contrary to the views of their schools’ constituencies were definitely included. However, 67.9 percent of the sites surveyed said they excluded one or more controversial subjects or types of material from their collections. The number one problem: pornography. Of the sites that excluded subjects, 40.7 percent mentioned it. Tied for second place at 7.4 percent each were “materials not relevant to the curriculum” and occult materials.

When a Christian college library is challenged, decision makers adhere to their policies totally 41.8 percent of the time. If policies existed and were followed totally, material was retained 72.7 percent of the time. If followed in part, material was retained 71.4 percent of the time. But if policies were not followed at all, material was retained only 50 percent of the time. The effect of not having a policy at all was even more devastating. Of libraries that had a policy (whether followed or not), material was retained 66.2 percent of the time and removed in 16.2 percent. But libraries that had no policy retained 26.7 percent and removed 66.7 percent.

There’s no doubt that more Christian college libraries need to have written collection development policies that will guide them when materials in their collections are challenged. Adding a reconsideration form to a policy can be beneficial in helping colleges get the facts straight, and challengers, their thoughts.

I also recommend that Christian academic libraries include intellectual freedom in bibliographic instruction classes. The survey showed that students’ knowledge of the issue in many schools is weak and training in the subject is needed. □

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films and videos

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<i>What Kids Want to Know About Sex and Growing Up</i>	p. 54

— censorship dateline —



libraries

Clay City, Indiana

Following lengthy discussion November 18, the Clay Community Schools Board of Trustees voted 5-1 to remove *The Boy Who Lost His Face*, by Louis Sachar, from the library at Jackson Township Elementary School and requested Superintendent Thomas Rohr to prepare a revised materials selection policy for consideration.

The decision went beyond a recommendation by Rohr to allow use of the book in junior high and senior high but not in elementary grades. Rohr's recommendation was based in part on a review committee's finding.

The book became an issue when a parent questioned it after his ten-year-old daughter checked it out of the library. He believed some of the words were unsuitable for elementary school students.

In requesting a change in the district's materials selection policy, the board took issue with the following statement in the present policy: "In a literary work of established quality, the use of profanity or the treatment of sex is not an adequate reason for eliminating the material from the school library/media center." Reported in: *Brazil Times*, November 19.

Detroit, Michigan

Public schools in Detroit removed a reference book that describes satanism, torture, and sexual acts with the devil from library shelves after the mother of a middle school student complained. "This shouldn't be something available on a shelf for a 13-year-old in a middle school library," Ruth Elen Rader said in early January. "The book is obscene, perverse, and immoral. I want to know how it got there."

Her daughter found the *Encyclopedia of Witchcraft and Demonology* in the Earhart Middle School library. The 1973 book is a compendium of centuries of writing on the topic and includes drawings. Among other things, the book includes the text of a so-called pact with the devil made by a nobleman in 1676 and a description of how a woman accused of witchcraft was tortured in 1629.

A representative of the Detroit school system said the encyclopedia was "not a book for children. We're going to ask the librarians in all our middle and high schools to check the shelves and remove it if it is there." The district said, however, that reconsideration policy would be followed and a committee of district librarians would decide the book's fate. Reported in: *Detroit Free Press*, January 7.

Kansas City, Missouri

Students at two Kansas City area high schools protested in December after their districts removed from school libraries two novels about adolescent homosexuality, *Annie On My Mind*, by Nancy Garden, and *All-American Boys*, by Frank Mosca. The books had been donated to 42 Kansas City area high schools by a national group that seeks to give young adults "fair, accurate, and inclusive images of lesbians and gay men" (see *Newsletter*, January 1994, p. 13).

Students at Shawnee Mission East High School checked out a total of 2,977 books from their school library December 17 and collected hundreds of signatures on petitions to protest the removal of the books. "Today was just an attention-getter to show we will not tolerate censorship in our school," said Erin Stephenson. "We want the district to reverse their decision." The library protest was an attempt to show administrators how few books would be left in the library if all controversial material was removed, students said.

"We looked for books that could be considered controversial by someone," said junior Travis Graf, who said he checked out 135 books. "We started with religion and went to war, violence, abortion. . . ." The students said all books would be returned by their due date and that protesters would voluntarily assist librarians in processing and reshelving them.

Shawnee Mission School District officials had announced the previous day that the district would return all donated copies of *Annie On My Mind* and *All-American Boys* because the donating group was "advocating its own agenda." The district also decided to keep but restrict access to copies of *Annie On My Mind* that were purchased by the district several years ago and had circulated without controversy ever since. On January 3, however, the district agreed to return the old copies of *Annie* to general circulation. Parents who do not want their children to read the book must contact the school in writing. The book also remained available at Shawnee Mission West, North, and South high schools.

The books were first removed at the recommendation of an eleven-member committee, which reported after a

December 15 hearing at which more than two hundred people denounced the district's original decision to accept the books. G. Gordon Thomas, who was among the first to file a complaint against the books, said he was pleased with the decision but that it didn't go far enough. "I'd like to know whether they are going to keep a file system to say who checked out those books, and if it's going to be a matter of public record," he said. "I think it ought to be."

At Olathe East High School, in Olathe, Kansas, a Kansas City suburb, about 350 students signed a petition December 16 protesting that district's decision to remove the books. Two days before, district officials said they would remove *Annie On My Mind* from libraries, although the book had already been on the shelves at Olathe South High School for ten years but had never been checked out.

Previously, a district committee reviewed the two donated books and declined acceptance of *All-American Boys*. It decided, however, that *Annie* had literary merit and should stay. That recommendation was overruled by district administrators. "We will accept book donations only when they do not advocate special interest agendas," said Superintendent Ron Wimmer. As to the removal of copies of *Annie* already in district libraries, Wimmer said, "It was our feeling that in regard to a book that had not been checked out or utilized or is not a part of our curricular program, it would be unnecessary for us to enter a situation that furthered controversy or reflects the appropriate concern on the behalf of the community."

Olathe East student government president Stevie Case criticized the decisions. "I think that our high schools are intended to educate everyone," he said. "By banning these books, they're censoring the information high school students take in. Any time they try to deny information, especially to young people, no good can come of it."

Other districts in the region handled the donated materials differently, although some were still considering what to do. In Kansas City, Missouri, although protesters burned copies of the books on the steps of district headquarters, the district deemed the books acceptable and they are available in all high school libraries. The Kansas City, Kansas, district donated the books to the city's public library. In Lee Summit, the superintendent removed a copy of *Annie On My Mind* that the district had in its high school library for three years. The Liberty and North Kansas City districts accepted copies of the award-winning *Annie* but rejected *All-American Boys* as poorly written.

Robert Birle, Kansas City coordinator for Project 21, which donated the books, said his group was looking at options to get the books back on library shelves. "Clearly they're responding to pressure from special interest groups," he said. Reported in: *Kansas City Star*, December 15, 17, 18, 21, January 4; *Olathe Daily News*, December 15, 17; *Olathe Sun*, December 15; *Olathe Star*, December 15; *Johnson County Sun*, December 22.

Lorain, Ohio

Removing unabridged dictionaries from elementary school libraries because of ethnic slang and sexually explicit words was necessary for young readers, a Lorain school official said December 16. "At higher grade levels, then you start talking about censorship," said elementary supervisor Gerald Kordelski. "But at the lower grades, it's appropriate to go with the abridged dictionary." Kordelski said that one oversized, unabridged dictionary would be left in each of the fourteen schools to be used with the supervision of a librarian or teacher. Reported in: *Lisbon Morning Journal*, December 17.

Tulsa, Oklahoma

The Tulsa County library commission on November 18 banned distribution of out-of-town publications in a decision apparently aimed at a gay newspaper published in Kansas. Tulsa libraries still will carry *The Gayly Oklahoman*, which is published in Oklahoma City and is available for reading, but not to be taken from libraries. But the Tulsa editor of the Wichita, Kansas, newspaper, *The Parachute*, which was distributed free at Tulsa libraries, said the vote was merely to keep his paper off library shelves.

"If the policy is not uniformly enforced against all comparable organizations, then the library is setting itself up for legal action," editor Tom Neal said.

The new policy allows distribution of only those brochures, fliers, posters, newsletters or newspapers that devote more than half their editorial content to "established Tulsa non-profit community organizations." The previous policy allowed distribution of free media if contents referred to "non-profit community organizations" and did not specify that they be based in Tulsa. Reported in: *Abilene Reflector-Chronicle*, November 19.

Newport, Oregon

The Newport Public Library Board of Directors was asked in November to remove two videos depicting scenes of nudity and sexuality. Cheyne and Mary Jo Turner challenged *Sammy and Rosie Get Laid* and *Don's Party*, which their 15-year-old son checked out from the library. The Turners asked that the movies either be removed from the collection or restricted to an "adults only" section.

Newport Library Director Jane Appling recommended to the board that the library adhere to its policy of retaining videos without age restriction. She informed the Turners of her decision following a meeting of a review committee of library staff. The Turners then appealed to the board.

Appling said that while the movies may be controversial to some, they are popular and frequently checked out. "We have a well-balanced and diverse selection," commented board chair Doug Hoffman. "Often with diversity, you have conflicts." Reported in: *Newport News-Times*, November 17.

Springfield, Oregon

A move by the Springfield City Council November 29 to restrict the circulation of R-rated movie videos to library patrons over the age of 16 attracted criticism from civil liberties activists. After two parents complained to City Council member Greg Shaver about the previous unrestricted checkout policy, Shaver proposed the new restriction, which was adopted by a 4-2 vote of the Council.

"If you send a kid to a video store to check out a video, they can't come back with an R-rated movie," Shaver said. "Most video stores won't rent R-rated videos to minors unless they have presigned approval from a parent." Restricting access at the library, he argued, would make parents, not the city, responsible for what children view.

But critics disagreed. "To bring politics into the library seems to be a very dangerous thing," said bus driver Art Kennedy, who asked the council to rescind the decision. "Greg Shaver may have good intentions. But when you begin to play politics with the library, you invite anyone else who has an interest in changing things at the library to come along as well."

Council members Jesse Maine and Terry Beyer also objected to the change, saying the council was usurping the role of parents by deciding for them what their children should and should not watch. "I think this is like the camel getting its nose under the tent," Maine said. "Why are you making rules for my house? Or her house? Or any other house?"

Ten residents contacted library officials with complaints about the new policy. Librarian Bob Russell said that only two people called to say they supported the change. Russell and members of the Springfield Library Board had recommended that the council not change the original policy.

The change also drew criticism from the local ACLU and attention from the Oregon Intellectual Freedom Clearinghouse of the Oregon State Library. Clearinghouse coordinator Ellen Fader said that Springfield's move was the first such action at a public library in Oregon.

In response to the criticism and after both the ACLU and the Motion Picture Association of America (MPAA) sent letters urging officials to withdraw the new policy, on January 3 the council ordered a legal review of the decision.

"I am writing to respectfully urge that the City Council rescind its amendment to the video checkout policy," the MPAA wrote the council. "This policy has serious constitutional problems. . . . The MPAA rating system is voluntary and strictly an advisory with no force of local, state or federal law." Reported in: *Eugene Register-Guard*, December 17, January 4.

Boling, Texas

In a 5-1 vote December 14, Boling school trustees voted to remove a controversial book about homosexuality from the curriculum and school library shelves. Bette Greene's

The Drowning of Stephen Jones is a story of two gay men who are the objects of prejudice and violence, resulting in the drowning death of one of them.

"The board is imposing their religious beliefs on everyone else's kids," charged lawyer Jim Munson, representing instructor Susan Llanes, who had assigned the book to her freshman English class. Munson also said the board's action "impugned the reputation" of Llanes, a veteran teacher.

Superintendent Charles Butcher defended the board. "We went more than out of our way to make sure it was an above-board, legal decision that also protected" Llanes's rights.

Two parents, one of them a board member, sought the book's removal by appealing the decision of a committee of teachers to retain the book. "This is not censorship," said Susan Wilbeck, one of the parents and a board member. "I view this as a selection process of materials that are appropriate for our students." Cherry Page, the other parent who appealed, told trustees that the book teaches anti-Christian beliefs and condones illegal activity. Reported in: *Wharton Journal-Spectator*, December 18.

Eau Claire, Wisconsin

A critically acclaimed collection of poems about monsters will be removed from Eau Claire's elementary school libraries, marking the first time in five years the district's Reconsideration Committee restricted access to a book. The nine-member committee unanimously agreed to make *Nightmares: Poems to Trouble Your Sleep*, by Jack Prelutsky, available for circulation only in middle and high school libraries.

"If this book was removed from library shelves, not a single child would be harmed by it," said Cindy Olson, a mother of four who filed a complaint about the book. The poems, she said, graphically describe violent acts against children that would be "criminal activity if acted out."

The committee's decision came after testimony from six people, all but one opposed to the book. Only Bob Reid, a public librarian, spoke against limiting access to *Nightmares*. "*Nightmares* is not the most scary thing we're discussing today," he warned. Reported in: *Eau Claire Leader-Telegram*, December 15.

schools

Mingus, Arizona

A review committee will decide whether Nobel Prize-winner John Steinbeck's *Of Mice and Men* is an appropriate assignment in the Mingus Union High School English curriculum. After speaking to the Mingus School Board November 11 parent Don Edwards filed a formal complaint against the book's use. He objected to its allegedly profane language, moral statement, treatment of the retarded, and violent ending. Edwards also gave the district suggestions

for books to be used in place of *Of Mice and Men*. Reported in: *Verde Independent*, December 1.

Northbridge, Massachusetts

A group called Concerned Citizens Viewpoint in November submitted a petition to the chair of the Northbridge School Committee in a campaign to remove *The Prydain Chronicles*, a series of fantasy novels by Lloyd Alexander, from the required reading list at Northbridge Middle School. The group claimed the books contain religious themes that are pagan in nature. Although the books center on the potential of the human spirit, the group said that young minds would be drawn to the allure of witchcraft and black magic that runs through the books.

"You really have to look under the content and exactly at where the author's stuff is coming from," said group leader Carol Fillippelli, who had previously attempted to get the books removed on her own. "The values of the books are not ones that build good standards."

Superintendent Joseph L. Ferreira called the attempt to remove the books from the required list censorship. "I believe that they are sincere and have a point, but they can't stop other children from reading the books," he said. "At that point they're talking about censorship." Reported in: *Milford Daily News*, November 12; *Blackstone Valley Tribune*, November 24.

Helena, Montana

Three parents, including a school board member, filed formal complaints in November against two sex education films used in Kessler School, a Helena elementary school, saying the films contain inappropriate material on homosexuality and masturbation. One parent also said a portion of one film encouraged "sexual harassment" by showing a boy at a swimming pool getting an erection while ogling women in bikinis.

"The cartoon was really crude and disgusting," said Maureen Wilson. "They're presenting this to fifth- and sixth-graders. It's a very sexist movie." The films are *What's Happening to Me*, an animated movie about sexual development, and *What Kids Want to Know About Sex and Growing Up*, which is produced by the makers of *Sesame Street*. Wilson said the depiction of homosexuality in the *Sesame Street* movie was another concern. The "risks" of homosexuality aren't stressed, she said, and it is shown as just another life style. She also objected to the film's contention that "masturbation is a normal part of growing up. Not in my book, it isn't," she said.

Dr. Kurt Werner, who helped the school select the films, said the parents had misinterpreted them. "They're really pretty innocent, as innocent as the topic can be," he said. The scene at the swimming pool, he explained, showed young boys that it's natural for them to become aroused at what may be inappropriate times. He said the movies try to address questions children commonly ask without making

moral judgments. "They ask, 'what is homosexuality,' we say 'this is what it is.' Morals are the parents' business." Reported in: *Helena Independent Record*, November 25, December 3; *Great Falls Tribune*, November 20.

Glenville, New York

A dozen students at Scotia-Glenville High School voiced displeasure with what they called censorship of a yearbook, a student's artwork, and a talent show in a meeting December 14 with principal James A. Proper and three faculty members. Proper asked to meet with the students who wrote him a letter complaining about the problems.

In October, Proper told two senior class girls they couldn't include a "senior prophecy" about their lesbian relationship in the school yearbook. "I didn't think the yearbook should be used as the vehicle to either promote or limit homosexuality," he said. "I simply do not feel that in 1993 the community was ready."

"We didn't understand why people could say they're going to get married in the yearbook and we can't say we're going to have a lesbian relationship," replied one of the girls.

In late September, a display near the school office of student art that contained nudity prompted complaints and was removed after three days on the order of Superintendent Patrick R. DiCaprio. Junior Josh Witkowski did the drawings in a summer program.

Then, in November, two students were asked to change lyrics of songs they were performing at a talent show, to avoid any sexual suggestiveness. One student was told not to sing the line "turn down the bed" in a ballad.

"We just want our pictures up and to be able to say what we want," said Dan Mancini, a student who signed the letter to Proper. "We just want kids that come out of Scotia-Glenville High School, when they go out into the real world, to have a well-rounded education." Reported in: *Schenectady Daily Gazette*, December 15.

Johnstown, New York

A Johnstown couple asked November 10 that a required reading selection in the Diaries and Journals class at Johnstown High School be pulled because of numerous obscenities in it. Thomas and Nancy Billa complained about language in two pages of *Go Ask Alice*, the anonymous diary of a teenage drug abuser. "If I had known that this material was in that elective course," Thomas Billa told a school board meeting, "my kids would not have taken that course. This book has been banned in some school districts." Board of Education President William Kitchen suggested that school administrators consider the Billas' complaint. Reported in: *Gloversville Leader-Herald*, November 11.

Chapel Hill, North Carolina

A Chapel Hill High School review committee removed four books containing sexually explicit material from an American literature reading list, and the rest of the list, which

features works by gay and lesbian authors, was suspended indefinitely. The entire bibliography of gay and lesbian authors from teacher David Bruton's class will remain suspended until each work is screened by Bruton, and until the school board develops more specific policies on evaluating materials that are challenged by parents or students.

"It doesn't mean it's out for good," said Charles Patteson, the principal, who was one of seven review committee members. "It means that once guidelines are in place, the teacher will have the responsibility of developing classroom materials based on that policy." Patteson added that the gay and lesbian authors segment of Bruton's American literature course probably would not be resumed this year.

The review committee of six school system employees and one parent was created after some of the bibliography's suggested works were found to contain graphic sexual material. A parent distributed excerpts from *The Gay Fireside Companion*, by Leigh Rutledge, which described a variety of sexual acts.

The books in the bibliography were not required, but were to be used by students as a starting point in their study project. Students in the class can choose from study groups on women's, African-American, Hispanic, Native American, and gay and lesbian literature. Bruton said he didn't realize the offensive material was on the list because he didn't review each title. "There are more than 2,000 titles on that reading list, and it's impossible for me to read everything on it," he said. Reported in: *Raleigh News and Observer*, October 18, 22, November 2.

Gettysburg, Pennsylvania

Although her children do not attend the public schools, a Gettysburg mother complained to the school board December 6 about allegedly offensive language in *Jacob Have I Loved* and *Bridge to Tarabithia*, both by Katherine Paterson, and *The Bones of Black Spruce Mountain*, by David Budbill. Both of Paterson's books won Newberry Medals.

"The kind of language being taught to our children is not real life," Natalie Bishop told the board. She complained that the three books contain such words as "Lord," "damn," "hell," "oh God," "shit," and "piss." "Using these kinds of words in the books is kind of like adding swear words to a movie," Bishop said. "It's an attention-getting thing. We're not lifting our kids up anywhere by exposing them to this. We're stooping to a gutter level."

District language arts supervisor Jane Johnston said Bishop could submit a request for reconsideration. "A parent has a right to have their child not use a book," she added. Johnston said, however, that she believes all three books are appropriate for use in the schools.

"The philosophy of the district at this point is they are suitable," she said. "They fit very nicely into the curriculum." Reported in: *Chambersburg Public Opinion*, December 10.

Sturgis, South Dakota

Sturgis Elementary Principal Ed Stader on November 16 announced the appointment of three teachers and three community members to serve on a committee charged with reviewing the *Little House on the Prairie* books, by Laura Ingalls Wilder, that have been used as supplementary materials in Sturgis elementary classrooms since the early 1970s.

Stader had earlier banned the books from classroom use due to statements he believed could be considered derogatory toward Native Americans. "But because of concerns expressed by some parents that the supplementary materials lend themselves to the pioneer unit we use," he explained, he decided to appoint a committee to study the books. Until the committee makes a recommendation, he said, the ban would remain in effect. Reported in: *Meade County Times-Tribune*, November 17.

Union City, Tennessee

A parent's objection to the assignment of Nobel Prize-winner John Steinbeck's *The Grapes of Wrath* to his daughter in an advanced placement English class sparked a controversy in December that divided the community. "My intent is not to remove the book from the class, only to have my daughter assigned another book without penalty to her grade," said Bobby Pigg.

"I don't have a problem with other students reading it, if that's what they want to do," he added. "I just don't want my child reading it. Reading this book is against my daughter's religious beliefs."

But reporting of Pigg's request led to calls for the book's removal from Union City High School classes. Reporters from the *Union City Messenger* were flooded with protest calls and the pages of the paper's letters column overflowed with responses to Pigg's request. "I think the school system needs to reevaluate the book," said Rick Horton, a relative of Pigg's. The school board agreed to hold a hearing on the issue in January. Reported in: *Union City Messenger*, December 13.

Hooks, Texas

Several parents appealed to the Hooks School Board November 22 to take *I Know Why the Caged Bird Sings*, by Maya Angelou, out of the school's curriculum. The book is used in a freshman honors History class as an example of historically significant literature. In her autobiography, Angelou graphically describes her childhood rape that left her without speech for several years.

The parents argued that the school should not be offering such literature because it is an authority figure. "There is a difference between children choosing it and a body in authority saying they have to read it," said Ross Greger, one of the parents at the meeting. Greger said his son had been assigned the book but was given an alternative after he complained, as were several others in the class. But

Greger said his son and the others were singled out because they were not reading the book.

A reconsideration committee of teachers and parents approved the book for continued use. Greger asked the board to overturn that decision and adopt a general policy for screening materials. The board took no action but indicated the request would be taken under consideration. Reported in: *Bowie County Citizens Tribune*, November 25.

Kirkland, Washington

Even as challenges to two classroom reading assignments were resolved successfully (see page 71), a new controversy over a video flared up in the Lake Washington School District. In November, the school board approved the showing of a 14-minute video, *Considering Condoms*, at Redmond High School after hearing more than an hour of testimony from parents trying to keep it out of eighth- and eleventh-grade health classes. The five-member board voted unanimously to approve the video along with a number of other books and videos, but the debate didn't end there.

After failing to sway the board, parent Elaine Witt filed a request for reconsideration, forcing the district to take another look at the video by appointing a special review committee. "This is our last resort," said Witt, who represents a group called Concerned Parents Coalition. "If you honestly believe something is wrong, you don't give up until you've exhausted every possibility." Witt's group said the video sanctions teenage sex and minimizes the failure rate of condoms. "It pays lip service to abstinence," she said.

"The board totally ignored the medical facts," added Julie Bergman, another member of the coalition. In November, Bergman's complaint against classroom use of the novel *The Sound of Waves*, by Yukio Mishima, was rejected by a review committee (see page 71).

Consideration of the video was placed in the hands of a nine-member review committee of parents and educators. "That's the reverse of the way it should be," complained Kevin Teeley, president of the Lake Washington Education Association. The video has "already been approved by the school board, and they're accountable to the voters and the taxpayers."

But board president Bob Hughes said district policy mandates that all challenges to instructional and library materials go to a review committee so that "books and politics" won't be mixed. "It was a major issue ten years ago," Hughes said. People were "afraid school board members might start running on a platform of certain books or videos."

Besides being approved by the school board, *Considering Condoms* was recommended by the district's 23-member Instructional Materials Committee, which includes teachers, parents, and students. Reported in: *Bellevue Journal-American*, December 8.

New Richmond, Wisconsin

A parent of a New Richmond High School student protested the use of the J.D. Salinger book, *Catcher in the Rye*, in English classes at a school board meeting November 15, calling the book a "tremendous waste of time" due to its use of profanity. "I feel that if a book like that came into my house, I would probably burn it," she said. "I read the book and I feel it is a tremendous waste of time. It is filled with vulgarity. I tried to avoid the foul language and I tried to understand a deeper meaning, but I couldn't find any." Board president Scott Needham told Hendricks that if she remained concerned she could file a complaint with the district's curriculum committee. Reported in: *New Richmond News*, November 18.

student press

Mesa, Arizona

Matt Martinez, editor-in-chief of *Viewpoint*, the Mountain View High School student newspaper, cried censorship in November when the school's principal decided to remove words from his editorial for fear that they might offend a religious group. Martinez wrote a critical editorial about Christians in Action, a student-run community service group.

Martinez had noticed that the group met once a month by the school flagpole to pray. "I find something very wrong when I walk through campus in the morning and see a group of students circling the flagpole praying to Christ," he wrote. But after the editing, Martinez's views were recast to refer only to the general practice of praying on campus, with no reference to Christians in Action and their activities.

After the publications board approved Martinez's editorial and another story about the concerns of student council members, Principal Craig Luketich intervened. He called the specific reference to the flagpole "divisive." Luketich also asked for the removal from the student council story of the word "dictator" to describe the school's assistant principal. "It was a quote from a council member," Martinez said, "but we took it out."

"He should never have seen this," Martinez said. "We submit ourselves to censorship to the board, and we expect them to make revisions. I think we lost half the battle with printing the edited version."

"I disagreed with Matt's article wholeheartedly," said Candace Matlock, president of Christians in Action, whose name was deleted from the editorial, "but I support his right to print his opinion." Reported in: *Mesa Tribune*, December 2.

Venice, Florida

What appeared to be a printing disaster on the cover of the December edition of *Southern Knights*, the student newspaper at Manatee Community College's south campus,

was no mistake. The cover was blank, except for the newspaper's name, a headline reading "President Postpones Lead Story," and three lines of copy. Staff members of the paper were upset with an administration decision to hold up their lead story because it contained information about a personnel matter pending before the district board of trustees.

The article was withheld on the advice of a legal counsel to the college because it could be used in a potential lawsuit, said Mike Temple, the paper's faculty adviser. "My students didn't like [the decision]. They asked me if they could run a blank page, and I said it sounded like a good idea," Temple said.

"While I respect the college's position, I still feel this is a legitimate news story, and we have a right to publish it," said David Valentino, who wrote the story. "We're not signing up to take Propaganda 101. I wrote a balanced, unbiased article. It raises questions about the nature of tenure and academic freedom." Reported in: *Miami Herald*, December 8.

periodicals

Dallas, Texas

A Texas-based grocery chain exercised its own ban on depictions of nudity by refusing to stock the November issue of *Discover* magazine. The Minyard Food Stores chain pulled the magazine from shelves in 77 stores because its cover featured an artist's rendition of two prehistoric apes with exposed genitals. "When it shows the genitals or breasts, we're going to pull it," explained Minyard President Jay L. Williams.

Discover is not the only magazine Minyard has pulled from its shelves. *Life* was also pulled in November because the front cover showed nude women from the waste up, breast feeding. *Vanity Fair* was pulled the same month because it featured a bare Sylvester Stallone. The December issue of *Architectural Digest* was also pulled by the chain because the cover photograph of Barbra Streisand in her California home contained a nude painting in the background. "We're dealing with families and children and we feel it is our responsibility."

"In many ways it's hard to take something like this seriously because the rationale is so ridiculous," commented Paul Hoffman, *Discover* editor-in-chief. "But at the same time, it's kind of scary that grocery store managers are working as thought police. I mean, these are animals, and we know they didn't wear clothes 3.5 million years ago. Would they feel better if we put shorts and tank tops on them? Do they ban nude dogs and horses from magazine covers as well?"

"I honestly don't know how anyone would think this cover is bad for children," said *Architectural Digest* editor Paige Rense. She noted that the offending painting on Streisand's wall is entitled "Adam and Eve" and is a stylized portrait of an embrace by the biblical figures. "As I recall, they didn't

wear clothes in the Garden of Eden," Rense said. Reported in: *Today Cedar Hill*, November 25; *Casco Bay Weekly*, November 25; *Boston Globe*, November 26.

Spokane, Washington

At least eighteen stores in Spokane and northern Idaho removed the December issue of *Life* magazine from store shelves because its cover showed a woman breast-feeding a newborn baby. Six Spokane Rosauer's stores and at least one Safeway pulled the magazine because of one woman's complaint.

Jennifer Brown of Spokane said she began visiting and calling stores to complain about the magazine after she saw the cover while waiting in a checkout line. "I was shocked when I saw that," she said. "There was a mother and child behind me in the checkout line. Material like that should not be on the racks for all eyes to see, especially little children."

Life representative Sandy Drayson said stores elsewhere also pulled the magazine because of the cover. "I will say it's a surprise to us. We really feel there's nothing more life-affirming than a mother and her newborn infant," Drayson said. Reported in: *Lewiston Morning Tribune*, December 4.

theater

Cheltenham, Pennsylvania

A drama performed at the Cheltenham Center for the Arts caused an angry controversy November 16, as nearly two hundred township residents demanded that the board of commissioners try to shut the play down. The protest was directed at *La Pucelle*, a new production in which the legendary Joan of Arc encounters a twentieth century American comedienne. While the commissioners said they were powerless to stop the performance, and the Center refused to cancel the scheduled three-week run of the play, which closed November 21, the board did pass a resolution by a 5-2 vote expressing its "disappointment with the character of the play," which no commissioner had seen, and warning that financial support for the center would stop "unless they clean up their act." A motion to eliminate the Center's utility funds from the 1994 budget was defeated on a 3-3 tie vote.

At the board meeting, residents protested what they called the "bigoted and highly offensive" portrayal of the Catholic Church in the play. "You are backing anti-Catholicism in the guise of artistic freedom by funding an outrageous and bigoted attack on our sacred church, our clergy, and our sacraments," said Irene Moeller, who helped organized the protest. The Commissioners provide a building to the center for a dollar a year and pay about \$20,000 of its utility bills.

"This sends a chilling message," warned Commissioner Tom Ellis, who along with board president Herb Wile voted against both motions. "We fund the library much more than

we do the arts center, but we don't go in and inspect every book to see if it meets our standards. We're not equipped to do that." Reported in: *Philadelphia Inquirer*, November 18, 29.

television

Hollywood, California

"Married . . . With Children" co-creator and executive producer Michael Moyer charged Fox Broadcasting Co. with censorship after network executives canceled a proposed two-part episode of the successful, if controversial, comedy show. In an effort to avoid offending Congress, Moyer charged, the network terminated episodes in which lead character, Al Bundy, lobbies Congress after his favorite show, "Psycho Dad," is abruptly canceled.

"This is nothing other than censorship for fear of congressional reprisal," Moyer said. "I can't stand cowardice, and it bothers me that Fox folded faster than a 40-year veteran at a hand laundry. In protest, Moyer refused to work on the two replacement episodes needed to complete the show's 26-episode order.

"The idea that you can't have a fictional character lobby Congress when a fictional show within a fictional show gets canceled is the height of absurdity," Moyer continued. "Do they actually believe it will cause [Senator] Paul Simon (D-IL) to rescind Fox's license, that they're walking around Washington talking about fixing the Al Bundy problem? I could see them pulling an episode in which Al Bundy buys a gun and accidentally shoots a 15-year-old in the head. But what bothers me is that Fox tells me they know it's absurd, but they want me to sell out and give up my principles. I won't do it." Reported in: *Daily Variety*, December 23.

music

Miami, Florida

The Tampa rock group Dead German Tourist performed at a club in Hallendale December 10 despite protests from the city council. The club agreed to showcase the band, whose name appalled many Floridians after the murders of several foreign tourists in the area, following the Hard Rock Cafe's cancellation of a scheduled appearance under pressure from city officials.

"We're not going to go along with this kind of music censorship," said the band's manager, Ross Reback. "Rock and roll has always been a rebellious art form. Miami is a little oversensitive now." Reported in: *St. Petersburg Times*, December 10.

art

Tucson, Arizona

On November 24, police seized twelve photographs of nude children and adults from a downtown Tucson art gallery that they said violated pornography laws. Capt. Paul Hallums said police received a call from an administrator at Safford Magnet Elementary School who complained that framed photos on display in the front window of the 6th and 13th Streets Art Gallery contained nude children and were sexually explicit. The work seized was that of Tucson photographer Robyn Stoutenburg.

Although Stoutenburg was threatened with prosecution under Arizona child pornography statutes, prosecutors decided not to press charges. All photos but one, of her 4-year-old son nude with a beheaded, plucked chicken, were returned. In exchange, Stoutenburg agreed to stop displaying the photographs at the gallery.

"We're concerned because all of the photos are valid First Amendment photographs and we're concerned about the effect of law enforcement's 'art police' on the community," said Stoutenburg's attorney, Michael Piccarreta. Piccarreta stressed that "in no way was this work prepared, shot or shown in a sexual manner. People who know little about art see something that is not in the mind of the artist."

The seizure also drew fire from Mayor George Miller, who said the action "smacks of censorship. I was surprised somebody could object and just go to the police. If someone felt there was a problem, I think they should bring someone in like the Arts Council before they create a problem. It seems to cut out procedure and smacks of censorship. I don't understand who has such power," the mayor said.

Tucson City Council members also voiced concern, meeting in executive session December 13 to order the city manager and acting police chief to improve ways of handling such complaints. Reported in: *Tucson Citizen*, November 25, 27, 30, December 3, 14; *Arizona Daily Star*, November 26.

Newport Beach, California

The phone lines were lit like Christmas trees and visitors came in droves in November to the Newport Harbor Art Museum thanks to Newport Beach City Council member John W. Hedges, who had earlier criticized as obscene an artwork at the museum. The museum received a \$10,000 grant from the city last year. Hedges targeted "Self-Portrait," a large piece which included video images of genitalia, to express his disapproval at a City Council study session over funding of the contemporary art museum.

"This is your taxpayer dollars at work," he said November 8, holding a flyer about the exhibit. Hedges, who cast the only no vote when the council voted on the museum's grant, said the exhibit was "obscene" and that the museum is "taking city money and should be held accountable for how it's spent."

The work, which Lilla LoCurto and William Outcault created after a friend died of AIDS, was comprised of a large plastic bubble supporting tubes filled with flowing red liquid. The bubble also included four stacked video monitors flashing pictures of body parts — torsos, hips and thighs, lower legs. When someone viewed the piece, his or her face was projected onto the top video screen and the person's heartbeat was amplified throughout the museum. The idea, the artists said, was that anyone can get AIDS.

Museum Director Michael Botwinick wrote a rebuttal to Hedges in the local newspaper, noting that the \$10,000 grant was earmarked exclusively for education programs for local students and had supported no exhibits, including that of "Self-Portrait." The exhibit that included the controversial work was supported entirely by individual and corporate donations. Encouraging citizens to judge the work firsthand, Botwinick said that all visitors presenting a copy of his article would be granted free admission.

"I spent some time in the galleries, and everybody I talked to was positive about the piece and kind of incredulous," Botwinick said. "They said, 'This is it? This is what's causing all the controversy?'" Visitors were also invited to write letters to Hedges with stationery and stamps provided by the museum. The museum said calls and letters had overwhelmingly supported it. Reported in: *Los Angeles Times*, November 11, 12; *Newport Beach Daily Pilot*, November 11; *Orange County Register*, November 13.

Marietta, Pennsylvania

In early December, the board of Marietta Restoration Associates removed six photographs from its Juried Photography Exhibit, held in conjunction with its annual Christmas house tour. The works, by Lancaster artists James Bostick and Steve Johnson, depicted male and female nude models. The board also rescinded a first-place award with a \$75 cash prize and honorable mention that the show's two judges had given Bostick.

Bostick said he arrived at the opening reception for the December 3-5 exhibition in Marietta Borough Hall to find the building locked and police standing guard. He said he and Johnson were told to pick up their work at the police station.

Marietta Restoration Associates issued a statement saying board members "unanimously voted not to include these pieces, because they are out of character with the spirit of the exhibit and the tour, and we continue to stand by this position." In the future, the exhibit may not take place or will have strict guidelines on what will be shown, said board president David L. White. "We're not in the art business," White said. "We don't want to be in the art business."

"This is unconscionable behavior," said Carol Morgan, director of the Demuth Foundation, which agreed to exhibit all of the works that had been accepted for the show's professional "open" category.

Robert Lowing, one of the two judges, said that while it had seemed the board wanted to present a serious art exhibit, it appeared that artists were simply being used to attract people to a fund-raising activity. The clash between the expectations of the show's sponsors and the artists they attracted "exploded in the worst possible way," Lowing said. Reported in: *Harrisburg Patriot*, December 16.

Draper, Utah

Student artwork was removed from the walls of a Draper bookstore after a parent complained the drawings should not hang where gay and lesbian literature is sold. Bookstore owner Sally Smith had decorated the walls of the newly opened branch of A Woman's Place Bookstore with drawings from Crescent View Middle School students. But Principal Tom Hicks shut down the impromptu gallery December 16 after receiving a complaint from a parent.

Smith, a former Salt Lake City English teacher, called the school's action censorship. "I would say that every book on every shelf would be objectionable to someone," she said. "That is the nature of bookselling. Booksellers are all about providing a free flow of information and ideas." The pictures were up for five weeks without incident before Hicks received the complaint and ordered them removed. Reported in: *Salt Lake Tribune*, December 22.

foreign

Cairo, Egypt

An Egyptian court recently acquitted a man named Mohammed Ali Hassan after he said he had confessed to car theft only because police tortured him. Newspaper readers in Egypt don't know about Ali Hassan, however. When the *Middle East Times* printed an unsavory account of human rights abuses, including Ali Hassan's case, in its November 8 issue, the government banned distribution of the weekly English-language newspaper. Two weeks before, another issue was banned because of an interview with a retired general and war hero who supports Islamic law in Egypt.

The banning of the *Middle East Times* was part of a crackdown on the press that began just after President Hosni Mubarak won reelection to a third term in an October 4 referendum in which he was the only candidate. Newspapers have been banned, journalists have been arrested and detained, media employees and even spouses have been asked to become informers.

The tactics, affecting both the Egyptian and foreign press, ranged from censorship to outright intimidation:

- Five of the top editors and policymakers of *El-Shaab*, the newspaper of the opposition Labor Party, were arrested and jailed two days after the referendum.
- The Egyptian husband of Deborah Pugh, a correspondent for the *Guardian* newspaper of Britain, was called in

by the secret service and asked to spy on his wife by going through her files and notebooks. Egyptian employees of at least two other foreign media outlets were called to the secret service and asked to spy on their employers.

• *Cairo Today*, an English-language monthly magazine for tourists, was recalled in November because its cover story on human rights abuses in Egypt included two photographs of military men. The published recalled the issue and tore out the human rights article, as well as the cover.

"We have real freedom to speak, and we can write what we believe," said Magdy Hussein, editor of *El-Shaab*. "The problem is, we'll be arrested." Reported in: *Philadelphia Inquirer*, November 28.

Jakarta, Indonesia

A book containing nude photographs of the widow of Indonesia's first president was banned last year as offensive to the nation. The Japanese-born Dewi Sukarno, a former club hostess in Tokyo, was the fourth wife of President Sukarno, Indonesia's leader from 1949 until 1965. The book, *Shuga*, was published in October in Tokyo and was selling moderately well in Japan. "Shuga" means superior elegance in Japanese. Reported in: *Idaho Statesman*, November 19.

Teheran, Iran

The Iranian Parliament approved legislation in December providing for capital punishment for producers and distributors of pornographic video tapes. The law, which provides a maximum five years' prison term and \$100,000 in fines for first offenders, said the principal promoters of pornographic videos, "found to be Corrupters on Earth, can receive the death penalty." Reported in: *New York Times*, December 21.

Singapore

British art photographer David Hamilton, known for his work in nudes, was allowed to display only about half of his traveling exhibit, which opened in Singapore on December 3. Government censors refused to approve photos of unclothed men and women. "This is the first time this has happened to me and I've been touring many places," said Hamilton. "Singapore is twenty-five years behind the rest of the world." Reported in: *USA Today*, December 4. □

(gangsta rap . . . from page 43)

all about. We're asking people to put picket lines around these stores to stop this. We're going to mount a major crusade and believe me, women know how to stop what they don't like. Does the First Amendment give the right to incite a riot, to incite killing and murder and raping?" Tucker asked. "That's what we're fighting."

"Yes, gangsta rap is fully protected by the First Amendment to the Constitution," wrote pop music critic Leonard

writers boycott schools over book restrictions

A group of children's book writers who often speak to elementary classes in the Washington, D.C., area agreed December 9 to boycott Fairfax County schools in protest over recent restrictions placed on a historical novel about a young slave. The Children's Book Guild of Washington agreed to rebuke the Fairfax School Board for removing *Jump Ship to Freedom*, by James Lincoln Collier and Christopher Collier, from regular library shelves and limiting access to grades six and above (see *Newsletter*, September 1993, p. 146; January 1994, p. 13).

The restrictions were ordered by the board last spring after parents objected to a passage in which the hero, a black youngster, briefly questions the intelligence of African Americans. Some parents also objected to use of the word "nigger" by some characters.

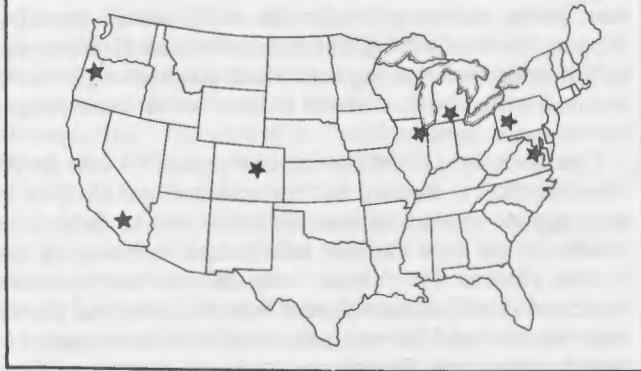
But guild members said the complaints were misguided. "The issue is intellectual freedom, not *Jump Ship to Freedom*," said Joan Carris, a member of the group and author of *When the Boys Ran the House* and other children's books. "If you can take one book off the shelves, then the next one will be that much easier to remove."

School officials said the boycott could have a broad impact on the county's elementary school classes. Linda Hunt, the system's coordinator of library and media services, said guild members ordinarily make dozens of visits to county schools each year. "We really depend on these people to spark interest in students, to motivate them," said Hunt, who was present when about fifty members of the guild agreed on the boycott. "This is a big part of our language arts program." Reported in: *Washington Post*, December 16. □

Pats, Jr., who is black. "Any government attempt to curb the music is by definition misguided and wrong. Yet it's possible to concede those things and still abhor gangsta rap and all it stands for. Gangsta rap doesn't cause street violence, it *reflects* it. But musicians from Lou Rawls to the Temptations to Elvis Presley have also reflected it. Only the gangstas endorse it. Only the gangstas make it romantic and seductive and cool. Only the gangstas could be that cruel."

Nonetheless, Ronald Hampton, executive director of the National Black Police Association, which supported rapper Ice-T during the controversy over his *Cop Killer* recording, said people were using the music as a scapegoat. "I don't accept the idea that poets and musicians and film makers are responsible for the social ills depicted in art," he said. "There are much deeper problems that precipitate the negative conditions on the streets. Why blame rap?" Reported in: *Los Angeles Times*, November 7; *Washington Post*, November 14; *Miami Herald*, November 14, December 8; *Philadelphia Daily News*, December 8, 9; *Chicago Sun-Times*, December 9; *Milwaukee Sentinel*, December 18. □

from the bench



U.S. Supreme Court

During an hour of oral arguments January 12, the Supreme Court tried for the first time to establish what First Amendment protection cable television deserves. The specific question was whether Congress, in an attempt to diminish cable TV's monopoly, may require cable systems to set aside up to one-third of their channels for local broadcasters. A lawyer for the cable companies said the regulations target the content of cable television, infringing free speech rights. The solicitor general countered that the regulations ensure programming diversity. A court ruling, expected by summer, could affect what programs TV viewers see and establish legal standards for electronic publishing and other high technologies.

"This doesn't quite fit the newspaper context," Justice David H. Souter said, referring to a usual subject of First Amendment protection. He said cable television might, for legal purposes, be defined as "somewhere between a newspaper and telephone services," an "originator" of news and information and a "carrier" of such. Other justices asked how satellite capabilities might break cable's dominance, noted the plethora of videos in the information market and remarked on what now appears to be a scarcity of daily newspapers.

How cable TV is defined will determine how readily government may regulate it. Newspapers today get the most First Amendment protection: Government may restrict newspaper "speech" only if it shows a compelling interest and narrowly tailors any limit to reflect that interest.

Because of the important constitutional question of how much the government may regulate speech and the major media money at stake, arguments in the case of *Turner*

Broadcasting System v. Federal Communications Commission drew a capacity crowd. H. Bartow Farr, III, representing the cable companies, told the justices that the regulations "specifically dictate the kinds of programs seen on television." He said they also wrongly favor a class of speakers — local broadcasters. But Solicitor General Drew S. Days, III, said the regulations ensure that all "voices" are heard and that viewers throughout the country and of all economic means have access to quality programs, whether by cable or over-the-air. The Justice Department and broadcasters have argued that if cable systems are allowed to drop local broadcasters, advertising interest in local stations will dry up and the stations will fold.

Cable television is sold to about 60 percent of all homes, and most local governments give cable systems exclusive franchises. While Farr stressed government attempts to control the "editorial" choices made by cable operators, Days said cable was an "anti-competitive" enterprise that the government wanted to curtail. Farr acknowledged that the government was "not deciding individual programs," but he said because cable had to carry certain local channels, it consequently could not carry other, possibly more attractive, programs.

Days described the regulations as "content neutral," thereby warranting lesser First Amendment scrutiny than government regulations that target certain programs. But the justices noted that Congress specifically showed a preference for local programs and educational stations, which Justice Anthony M. Kennedy said "improve our young people's intellectual lives." Days said that while Congress found value in local programming, it had a greater interest in trying to offset cable television's monopoly. He said Congress wanted to prevent a "devastation" of local broadcasters who would not be able to compete with cable's market saturation. Farr insisted that even without the "must carry" rules, few broadcast stations would be dropped. But, he said, "there is a real difference between a voluntary decision and being compelled to do so." Reported in: *Washington Post*, January 13.

The Supreme Court on December 6 permitted the Boy Scouts of America to exclude boys who refuse to express a belief in God. The justices rejected an appeal by a 10-year-old who was barred from a suburban Chicago Cub Scout pack after he said he was an agnostic. The justices, in a one-sentence order, left intact a lower court ruling that said the Boy Scouts are not subject to a federal law prohibiting discrimination in public accommodations based on race, color, religion or national origin. No justices dissented from the order. The U.S. Court of Appeals for the Seventh Circuit, based in Chicago, had ruled that the Scouts are not a "place" of public accommodation, and even if the nationwide organization were, it still would be excluded from the federal anti-discrimination law because it is a private club.

"It's dispiriting," said Richard Grossman, the lawyer for Mark Welsh, who was rejected three years ago by the Tiger Cubs. "He got solicited in his public school classroom. They

said, 'Come and join the Boy Scouts. It's lots of fun.''' The high court order was the latest action in the Boy Scouts' effort to control its membership and defend the Scout oath that requires Scouts "to do my duty to God and my country." In each Scout program, a boy recites a pledge appropriate to his age. The Tiger Cub promise begins, "I promise to love God." In addition to complaints from atheists and agnostics about the oath, the Scouts have been attacked in court for excluding girls from membership and homosexuals from leadership positions. So far, the Scouts have not been forced to abandon any membership restrictions in a final court ruling.

Few federal laws cover clubs such as the Boy Scouts. Therefore, most challenges to the organization's rules have been brought under state laws, which would not be affected by the order letting the Seventh Circuit's ruling stand. Even so, the ruling from the circuit that covers Illinois, Wisconsin, and Indiana is likely to be cited by the Scouts nationwide when anyone alleges race or religious bias under federal public-accommodations law. Some state courts have interpreted broadly written state public-accommodation laws to cover the Boy Scouts. In California, for example, the Scouts have appealed a ruling won by two would-be Cub Scouts who do not believe in God.

In an unusual move for a winning party, the Boy Scouts had urged the Supreme Court to take the case of *Welsh v. Boy Scouts of America* and use it to speak definitively about the Scouts' First Amendment rights "to form an association for the purpose of expressing, transmitting and reinforcing certain values and beliefs, including religious ones, and to limit membership to those who share those values and beliefs." Lawyer George A. Davidson told the justices, "There are limits on the financial and administrative capacity of any volunteer organization to litigate these cases in forum after forum."

The Seventh Circuit majority did not address any constitutional concerns after concluding that the Boy Scouts did not have to comply with the 1964 Civil Rights Act's section on public accommodations. The court said the Scouts are not an "establishment" or a "place" of entertainment within the meaning of the act. "Even if we were to agree for the purpose of argument that the Boy Scouts is a public accommodation, Congress expressly excluded private clubs such as the Scouts," the appeals court said. Reported in: *Washington Post*, December 7.

The Supreme Court, by a unanimous vote, ruled January 24 that abortion clinics may use a tough federal racketeering law to sue protesters who conspire to shut them down. The Racketeer Influenced and Corrupt Organizations law (RICO) punishes "enterprises" that engage in a "pattern of racketeering." The law loosely defines the pattern to include two or more incidents of criminal activity such as extortion, arson and kidnapping. The ruling helps the abortion rights movement, which has been pursuing numerous legal routes

to stop antiabortion violence at clinics. The opinion could be financially devastating for antiabortion protesters who engage in criminal activity because, under the racketeering law, losing parties are liable for triple money damages. Writing for the Court, Chief Justice William H. Rehnquist said that the racketeering act, which punishes a pattern of criminal wrongdoing, does not require that the accused have an economic motive.

Chicago lawyer Fay Clayton, who argued the case for the abortion clinics, stressed that the statute is not likely to be used against demonstrations at clinics, but to hold liable leaders of the most extreme antiabortion violence. Nevertheless, James Henderson, one of the lawyers who represented anti-abortion leader Randall Terry and Operation Rescue, said he was concerned that protesters' free speech rights would be infringed — an argument that several parties within and outside the antiabortion movement made to the justices as the case was being reviewed.

Rehnquist did not address the First Amendment claim, except to note that the antiabortion protesters had not made such an argument in the lower courts. Justice David H. Souter, who wrote a concurring opinion, stressed that the court was not barring First Amendment challenges to RICO's use in particular cases.

"Even in a case where a RICO violation has been validly established," Souter said, "the First Amendment may limit the relief that can be granted against an organization otherwise engaging in protected expression. I think it prudent to notice that RICO actions could deter protected advocacy and to caution courts applying RICO to bear in mind the First Amendment interests that could be at stake," concluded Souter, joined by Justice Anthony M. Kennedy.

The ruling in *National Organization for Women v. Scheidler* reversed a decision by the 7th U.S. Circuit Court of Appeals, based in Chicago. The Supreme Court itself is hearing another case this term on abortion clinic protests, *Madsen v. Women's Health Center*, which will give the justices an opportunity to decide whether judges may prohibit nonviolent abortion protesters from picketing, chanting or approaching women on public sidewalks outside health clinics. Reported in: *Washington Post*, January 25.

schools

Anaheim, California

Orange County Superior Court Judge Frederick Horn ruled December 14 that there was not enough evidence to suggest that Michael Carter had suffered "irreparable harm" after administrators at Servite High School, an all-boys Catholic school in Anaheim, expelled him following his accusation that female faculty members used "femi-Nazi tactics."

Carter sued the school in November, contending that administrators ordered him to undergo psychological counsel-

ing in June after he made the "femi-Nazi" reference in a speech for school vice president. When he refused to comply with the order, he was denied readmission.

Father Gerald Horan, the school's president, said Carter was not asked to attend counseling because of the "femi-Nazi" remark, but because the statement was reflective "of a pattern of behavior that teachers found offensive and disrespectful." Horan said he "wouldn't rejoice at anyone's injury, but I'm glad the court supported our policies."

After Carter filed his lawsuit, national radio personality and archconservative Rush Limbaugh blasted the school on his program, charging that Carter was being unfairly punished for his political views. Carter said he is an avid fan of Limbaugh, who coined the term "femi-Nazi."

Judge Horn denied Carter's request for a preliminary injunction against the school, saying the teenager had been aware of the school's action since June, yet did not file his suit until November. Reported in: *Los Angeles Times*, December 15.

Chicago, Illinois

Schools cannot flatly bar students from distributing religious leaflets on school grounds, a three-judge panel of the U.S. Court of Appeals for the Seventh Circuit ruled November 23, although the schools may regulate the distribution of such material. At issue was a warning by the principal of Wauconda Junior High School three years ago that a student could not hand out copies of the evangelical Christian newspaper *Issues and Answers*. The student, Megan Hedges, said the policy violated her First Amendment rights.

The policy, applicable to elementary and junior high schools, forbade distribution of written material that "expresses religious beliefs or points of view that students would reasonably believe to be sponsored, endorsed or given official imprimatur by the school." But the court ruled that "nothing in the First Amendment postpones the right of religious speech until high school."

Any obligation that school has to avoid endorsing religion, the court said, may best be accomplished by administrators who "avoid endorsing religious views by their own words or deeds," and who "might disclaim endorsement of private views expressed in schools." A school should instruct students "in the meaning of the Constitution and the distinction between private speech and public endorsement" instead of "throw[ing] up its hands" and suppressing student speech, the court said. "Students therefore may hand out literature even if the recipients would misunderstand its provenance," the court declared. "The school's proper response is to educate the audience rather than squelch the speaker."

"Permitting individual students to pass out literature with religious themes, at times and places they could pass out literature with political or artistic themes, does not entail a . . . preference" for religion, the court ruled. "It is instead neutrality toward religion." Reported in: *U.S. Law Week*, December 7; *Washington Times*, November 25.

Lansing, Michigan

The discharge of the white basketball coach at Central Michigan University, who referred to his black and white players as "niggers," did not violate the First Amendment, although the speech code which forbade his use of the term was invalid, the U.S. District Court for the Eastern District of Michigan ruled November 26. The court found that the use of the word did not involve speech on a matter of public concern.

Use of the term occurred in a locker room session. The coach contended he used the term to motivate his players, none of whom found his use of it objectionable. However, a former player complained that the speech violated the school's "discriminatory harassment policy."

The coach challenged the non-renewal of his contract as a violation of his First Amendment rights. The court agreed that the university's harassment policy was unconstitutional. Its prohibition of "any intentional, unintentional, physical, verbal, or nonverbal behavior that subjects an individual to an . . . offensive educational, employment, or living environment" was overbroad and vague, and in violation of the First Amendment and due process clause of U.S. Constitution.

Nevertheless, the court ruled, the coach was not harmed by the policy's overbreadth because his speech was not protected by the First Amendment. Public employees alleging that they were impermissibly discharged for exercising free speech must show that their speech was on a matter of public concern, the court observed. Reported in: *U.S. Law Week*, January 4.

broadcasting

Washington, D.C.

The fairness doctrine requiring broadcasters to give adequate coverage to public issues and to reflect opposing views was properly abolished by the Federal Communications Commission (FCC), the U.S. Court of Appeals for the Eighth Circuit held in a December 7 *en banc* ruling without a majority opinion.

The fairness doctrine evolved out of the requirement in the 1934 Communications Act that FCC licensees operate their stations in the public interest. In 1959, the statute was amended to exempt routine news events from the equal time provision. As part of that amendment, Congress added the proviso: "Nothing in the foregoing sentence shall be construed as relieving broadcasters from the obligation to afford reasonable opportunity for discussion of conflicting views on issues of public importance."

From 1959 until 1981, the FCC interpreted this language as codifying the fairness doctrine. In 1969, the Supreme Court upheld the constitutionality of the fairness doctrine in *Red Lion Broadcasting v. FCC*. In 1981, however, the FCC switched its position, stating that perceived changes in the

broadcasting industry no longer required the doctrine. In 1986, the U.S. Court of Appeals for the D.C. Circuit ruled that the doctrine had not been codified and, the next year, the FCC abandoned the doctrine on the grounds that it no longer served the public interest and violated the First Amendment. In 1989, the D.C. Circuit ruled that the action was not arbitrary, capricious, or an abuse of discretion.

The appeal to the Eighth Circuit was made by the Arkansas AFL-CIO. A five-judge plurality concluded that the proviso in the 1959 amendment was not intended to codify the doctrine but was merely included to insure that the amendment did not unintentionally dismantle the doctrine. They noted that a version of the amendment passed by the Senate containing an explicit assertion of the doctrine was rejected. Three judges, including one who joined the lead opinion, concurred on the ground that if the amendment were construed to mandate the fairness doctrine, First Amendment problems would arise. Five dissenters argued that the doctrine was indeed codified by the 1959 amendment. Reported in: *U.S. Law Week*, December 21.

gay rights

Denver, Colorado

In a victory for gay rights advocates, a Denver judge on December 14 ruled unconstitutional a Colorado measure, Amendment 2, approved by the state's voters in 1992, banning local laws that protect gays from discrimination. State District Judge Jeffrey Bayless also made permanent his January, 1993, injunction blocking the law from taking effect, declaring that it "violates the fundamental right of an identifiable group to participate in the political process." The initiative had provoked a nation-wide boycott of the state's tourism industry.

Bayless said that evidence presented at trial did not show the existence of "militant gay aggression in this state that endangers the state's political functions," as attorneys for Colorado had argued in trying to prove a compelling reason to uphold the amendment. The judge noted also that backers of the amendment insisted during the trial that "homosexuals are condemned by Scripture and, therefore, discrimination based on that religious teaching is protected within freedom of religion."

"On balance," Bayless ruled, "this court concludes that the two rights, the religious right to discriminate and the homosexuals' right to participate in the political process, can coexist." Bayless declined, however, to rule that gays are a disadvantaged minority group who should receive protection from the courts.

Colorado Attorney General Gale Norton said that she would appeal the ruling to the Colorado Supreme Court. Attorneys on both sides of the issue said the case may eventually be appealed to the U.S. Supreme Court.

Suzanne B. Goldberg, an attorney for the Lambda Legal Defense and Education fund in New York, said the Bayless ruling "sends a national message that fundamental rights cannot be voted away by the general public based on bias or prejudice."

In November, 1993, voters banned gay rights protections in Cincinnati, repealed them in Lewiston, Maine, and turned down such measures in Portsmouth, New Hampshire. Colorado for Family Values, which had sponsored the Colorado measure struck down by Bayless, supplied 79 percent of the funding for the group promoting the Cincinnati measure.

Civil rights protections for gays now exist in some form in eight states and 75 cities and counties, according to the National Gay and Lesbian Task Force in Washington. Reported in: *Los Angeles Times*, December 15.

commercial speech

Portland, Oregon

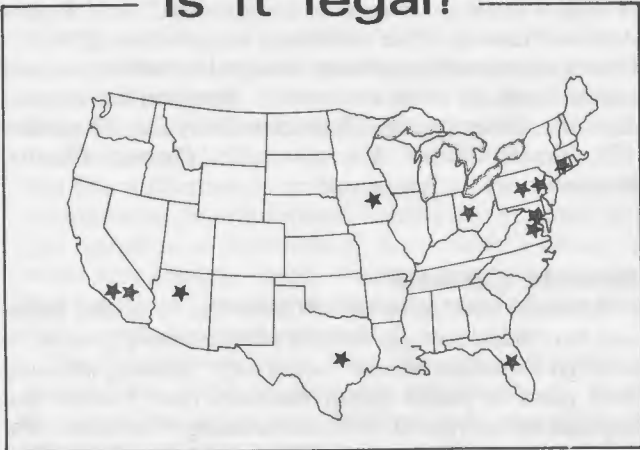
A federal judge says people have no right to send unsolicited advertising to fax machines. But attorney Charles Hinkle said he would challenge the December 23 ruling by U.S. Magistrate Donald Ashmanskas against five companies that sought to overturn provisions of the Telephone Consumers Protection Act of 1991. The case is believed to be the first legal challenge to provisions of the law that bar the sending of advertisements by fax without the recipient's permission.

"Our contention is that [the law] discriminates against commercial speech and in favor of other kinds of speech," Hinkle said. "The law prohibits unsolicited advertising. But people are free to use fax machines to send political messages, crank messages or even dirty jokes and harassing messages."

Ashmanskas said the ban had "the purpose of preventing the unfair shifting of advertising costs from the advertiser to the unwilling consumer. He noted that when Congress passed the law, it was concerned that fax machines cannot receive other material while they are tied up printing advertisements, which also use up paper that belongs to the recipient. He said the ban was reasonable given the purpose of the statute. Reported in: *Orange County Register*, December 24.

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is it legal?



libraries

Fairfax, Virginia

The Fairfax County Library Board bowed to pressure from parents demanding to know what books their children had checked out December 8 when, by an 8-1 vote, it approved a policy that will allow parents to get a list of the books currently checked out on their child's card.

Under the old policy, librarians were barred from releasing any information about an individual's checkout record, even a young child's. Although some of the parents objecting to the confidentiality rule said they simply wanted to find out what books in their family were overdue, others complained that the rule clashed with their authority to decide what books their children should read.

Under the new policy, which went into effect January 1, parents can sign a form giving them access to their child's record until the child turns eighteen. The policy requires that the minor also sign the form, but library officials said they will probably grant parental access even if the child refuses to sign. Parents will be entitled to the names of books currently checked out but not to a complete list of all the books ever borrowed on the card.

The proposal was drafted by board member Jane Seeman in response to criticism of the confidentiality rule by several parents. "I respect the privacy argument, but something needed to be done," Seeman said. "This is a contract between the parent and the child."

Some parents said the Library Board should have gone further. Karen Jo Gounaud, who fought for much of last year to remove the *Washington Blade*, a gay newspaper, from Fairfax libraries (see *Newsletter*, July 1993, pp. 101-02; January 1994, p. 7), said children should not be able to check out any books without their parents knowing about it.

"Privacy should be determined by the parents, not a government agency," she said. "It's a skewed way of looking at family responsibility."

Gounaud also told the board that she had counted 98 book titles that deal with homosexuality in the library catalog. Of those, she said, 92 were "sympathetic to the homosexual lifestyle." Gounaud asked the board to begin purchasing more books stating that homosexual acts are illegal in Virginia and that being gay should be avoided. Gounaud also asked the board to adopt a book rating system similar to the rating system used by the motion picture industry. Reported in: *Washington Post*, November 25, December 16.

schools

Turbotville, Pennsylvania

The Warrior Run School District will continue the practice of having students and teachers publicly read Bible verses despite a complaint by Americans United for Separation of Church and State that such readings are illegal. On November 16, school board President David Hunter said the policy would not be abandoned despite protests by Americans United.

"Anyone can allege anything," Hunter said. "The district is doing what it has done in the past. We are doing it because we have no reason to stop. Someone sending me a letter does not constitute legal action."

Stefan Presser, legal director for the Philadelphia ACLU, said he might take the district to court if Americans United did not. "That is a blatant violation of well-settled constitutional law," he said. Presser said he had never come across another district that so willfully disobeyed the 1963 Supreme Court ruling that outlawed reading of prayers and Bible verses in public schools. "What are we teaching our children when school officials violate the law?" he said. Reported in: *Milton Evening Standard*, November 16; *Sunbury Item*, November 17, 19, December 1; *Bloomsburg Press-Enterprise*, November 12, 22; *Danville News*, November 16.

Tomball, Texas

A local minister urged the Tomball Independent School District trustees November 9 to ban Halloween celebrations in local schools and place Bibles in each classroom. Gerald Sadler of Christian Life Church in Decker Prairie also requested the removal from all schools of all "Satanic literature."

"A good educational system without Biblical moral, spiritual and ethical values is like an expensive house without a foundation," Sadler told the board. He said his requests were prompted by "the obvious moral decline in social standards, use of drugs, use of weapons and general fall in educational productivity among our young people. Through passivity we are allowing the seeds of Satanism to be planted in our children." Reported in: *Tomball Sun*, November 17.

universities

Flagstaff, Arizona

Republican Governor Fife Symington retreated December 16 from his previous day's call for Northern Arizona University to cancel a sociology course on "Transsexualism and Society," to be taught by an unpaid transsexual graduate student, but he told the state Board of Regents that he has a right to criticize what he sees as a frivolous course.

The governor had sent a letter to interim University President Patsy Reed calling the course "obscene" and an "insult to taxpayers." He told Reed she should use her "personal influence to devise a higher use for both the funds of the taxpayers and the minds of your students." Symington's communications director, Jay Heiler, said that the governor wanted the course canceled.

But speaking to the regents he made no mention of course cancellation. "The university community must understand that this sort of thing badly undermines our ability to sustain support for continued public generosity toward its mission," Symington told the regents. "I believe that most of our citizens would like our public institutions to reflect our values as a people."

"Whether they cancel the class is up to them," Heiler said later. "The governor has no power, nor does he wish to exert any." Symington's staff said their research on the course consisted of reading a single article in the NAU student newspaper.

Before the regents' meeting, President Reed issued a statement defending the course and noting the measures the school takes to ensure that students can graduate in four years. Although she said she could not judge the merits of the course content, sociology students must be prepared for "an extraordinarily dynamic society that demands of them understandings that may not have been part of the background of most of us."

"At universities across the nation, the content of curricula and courses is the purview of the faculty, the professionals who are closest to the discipline," Reed said. "One of our fundamental freedoms that I think is in question here is our freedom of speech."

Sociology Department Chair Kooros Mahmoudi also decried Symington's comments. "I would be disappointed if there was pressure applied by any source, because that would be a violation of our basic democratic principles," said the Iranian emigre, who came to the United States "for freedom of speech, freedom of expression."

Some members of the board of regents also expressed concern about Symington's remarks. Regent Donald Pitt said the question was whether "society now is prepared to take from academia the right that academia has traditionally had to set curriculum. If what anyone is saying is how universities are run should be changed, then we should put that on the table," Pitt said.

"I'm concerned with regents making decisions about what

appropriate course topics are based on a course title, which is what I think is being done in this case," said Regent Andrew Hurwitz. "We've had too long and too difficult a history of university professors being told what they can and cannot teach in other countries." Reported in: *Arizona Republic*, December 16, 17; *Arizona Daily Star*, December 17; *Tucson Citizen*, December 16; *Phoenix Gazette*, December 16.

Riverside, California

Attorneys for a University of California, Riverside, fraternity have made two top campus administrators promise to undergo First Amendment "sensitivity" training and drop their plans to punish group members over T-shirts that depicted stereotypes of Mexicans drinking. The shirts, produced by the Phi Kappa Sigma fraternity in late September, caused an uproar on the campus, prompting school officials to disband the chapter for three years.

But Phi Kappa Sigma filed suit in Riverside Superior Court and, to settle the issue, university officials agreed October 28 to rescind the punishment and have the administrators take legal training about the First Amendment.

Despite the legal settlement, the fraternity chapter still must abide by sanctions imposed by its national office requiring a letter of apology to the campus and each chapter member to complete sixteen hours of community service in a Latino area.

The Riverside incident was not the first time that California college administrators have been forced to retreat from punishing a fraternity for offensive remarks. In March, 1993, California State University, Northridge, reinstated the Zeta Beta Tau chapter after its members enraged some students with an off-color invitation to a Mexican theme party. Administrators had suspended the group for fourteen months, but agreed to a settlement reinstating the fraternity last April 1 after attorneys advised that the school might lose a costly suit filed by the suspended chapter. That agreement, however, still required fraternity members to attend cultural diversity workshops and run full-page ads of apology in the campus newspaper. Reported in: *Los Angeles Times*, November 11.

Iowa City, Iowa

The University of Iowa Faculty Senate rejected a key element of a compromise policy on sexually explicit classroom materials November 16, making it difficult for the Iowa Board of Regents to accept the amended compromise. After the Senate voted 30-22 to delete the key element, President Hunter Rawlings told it the compromise would be unacceptable to the regents.

The Iowa Board of Regents in February, 1993, ordered each state university campus to adopt a policy for warning students about sexually explicit classroom materials, but the

University of Iowa Faculty Senate refused on September 28. On October 20, the regents voted to impose their own policy, but urged the faculty to address the issue (see *Newsletter*, January 1994, p. 29). In an effort to break the deadlock between the regents and the university faculty, Rawlings, university general counsel Mark Schantz, and Faculty Senate President Jerald Schnoor met with Board of Regents President Marvin Berenstein on November 12. The four drafted a compromise, but the senators voted — by an almost identical margin as in September — to eliminate a phrase that would have required faculty members to inform students if they expected or intended to use course materials that might elicit strong emotional responses from students.

The compromise would have required notification of students and given students the opportunity to excuse themselves but would have made students responsible for learning missed class material and completing missed course requirements.

"This is the essence of vague and unsatisfactory compromises," said biological sciences professor Joseph Frankel. Miriam Gilbert, an English professor, said the compromise proposal raised more problems than the regents-imposed policy because it was not limited to sexually explicit materials. Students could decide to leave class because they have objections based on their religious beliefs or values, she warned. Others noted that under the policy medical students could be exempted from learning about sexually transmitted diseases.

"I don't think good teachers blindsides their students with things that are irrelevant," said English professor and Senate leader Alan Nagel. But, he added, "we want to teach our students about things that they don't already know. We want students to be so deeply challenged that we will of course run the risk of being offensive."

Members of the Campaign for Academic Freedom, a student organization that opposes the regents-imposed policy, also argued against the compromise. "The language is so broad it could cover anything," said graduate student Jean Fallow. "Having a warning about something assumes that it is repugnant, that it is worthy of taking offense," robbing students of the necessity and opportunity to form their own opinions. Reported in: *Des Moines Register*, November 17; *Chronicle of Higher Education*, December 8.

Philadelphia, Pennsylvania

Seeking "new answers to old problems," the University of Pennsylvania pledged November 16 to rework a racial harassment policy invoked against a student who called five black women "water buffalo." The policy used in disciplinary measures against Eden Jacobowitz will be replaced with a "dramatically different approach" based on student input, the school said. The policy will be replaced on June 30 with a set of principles emphasizing student in-

volvement. The school called the old policy "legalistic" and counterproductive.

"This issue has been our obsession," said interim president Claire Fagin. "We have talked and talked and talked. The students at Penn have been listened to like they've never been listened to before." But Fagin gave few specifics, saying the new policy had yet to be developed.

Jacobowitz, then a freshman, became angered at the women's unruliness as he studied. He acknowledged calling them "water buffalo," but denied intending it as a racial epithet. The university initiated disciplinary proceedings but withdrew them in May when the women dropped charges, saying Jacobowitz's public statements compromised the fairness of the proceedings. Reported in: *Montgomery County Record*, November 17.

obscenity and pornography

Washington, D.C.

A key chapter in the Justice Department's long pursuit of a major distributor of sexually explicit films and magazines ended quietly in federal court December 6 when the government agreed to drop further prosecution in exchange for a guilty plea in Alabama. Facing the prospect of a contentious civil trial in Washington, the Justice Department agreed not to prosecute PHE, Inc., also known as Adam & Eve, for any crimes committed before November 18. In exchange, the corporation pleaded guilty in Alabama to one count of violating postal regulations, for which it will pay a fine.

The civil trial, prompted by PHE's challenge to the government's prosecutorial tactics, was to examine the unusual practices of a group of federal obscenity prosecutors who used the tactic of successive multiple prosecutions of the same defendant in different districts to attack mail-order firms that sell sexually explicit material. The approach, adopted under the Reagan and Bush administrations, was based on the premise that the mere expense of defending themselves in so many places at once would encourage plea bargains by the businesses.

Three federal courts and numerous civil liberties groups had denounced the tactic as a form of harassment, sweeping non-obscene materials protected by the First Amendment into enforcement actions along with unprotected obscenity. In a November hearing, a government lawyer told U.S. District Court Judge Joyce Hens Green that the department was reviewing the use of multi-district prosecutions in obscenity cases. That review continues, a department representative said, and was not part of the settlement with PHE.

"This is a victory for judicial fairness and for everyone who does not want the government to decide what they should read and do in the privacy of their own homes," said PHE President Philip D. Harvey.

An injunction against multiple prosecutions was issued in 1988 by U.S. District Court Judge Thomas Penfield Jackson,

who called the tactic "annihilation by attrition." In 1990, Judge Green ruled that the evidence presented by PHE showed a "concerted effort by the [Justice Department], through harassment and threats of multiple prosecutions to suppress . . . constitutionally protected activities."

When PHE was indicted in Utah and appealed to the U.S. Court of Appeals for the Tenth Circuit, that panel ruled in May, 1992, against the government and denounced a "persistent and widespread campaign to coerce" individuals "into surrendering their First Amendment rights."

Justice Department press representative Carl Stern said the department was reconsidering the policy because "being on the losing end of a couple of injunctions concentrates the mind wonderfully." Reported in: *Washington Post*, November 24, December 7.

Washington, D.C.

Saying the Justice Department had misread a child pornography law, more than a hundred members of Congress asked December 27 for the right to argue in court on how the law should be interpreted. President Clinton, reacting to the position taken by the Justice Department in the case, *Knox v. United States*, had instructed Attorney General Janet Reno to draft a tighter law (see *Newsletter*, January 1994, p. 21-22, 27). But the 22 senators and 82 representatives filed an *amicus curiae* brief, declaring that no new law was needed.

The members of Congress said the department had misinterpreted the 1982 Protection of Children from Sexual Exploitation Act as being less stringent than it is, and asked for permission to send a lawyer to argue their view before the U.S. Court of Appeals for the Third Circuit, which is hearing the case.

The case involves videotapes of girls ages 10 to 17 who were dressed in bathing suits, leotards or underwear while the camera zoomed in on their genital areas, which remained covered. A district court ruled that the tapes violated the child pornography law and sentenced Stephen Knox to five years in prison for possessing them. Knox appealed, arguing that the videos were not pornographic because the girls were clothed.

The Justice Department initially opposed Knox's appeal, but changed its position last September and sided with him, causing a stir among members of Congress and leading to the President's November 11 order to Reno. The appellate court upheld Knox's conviction; the Supreme Court returned the case for a further hearing.

In the meantime, Reno prepared amendments to the child pornography law which stated explicitly that someone can be prosecuted even if the children depicted are clothed. They also state that lascivious behavior on the part of the children is not required for prosecution. Some civil liberties advocates say the proposed legislation may be so broad as to be unconstitutional.

The lawmakers said no change in the law was needed. Sen. Charles Grassley (R-IA) helped initiate the petition. His office said the petition was signed by seventeen Republican and five Democratic senators and by 68 Republican and 14 Democratic representatives. Reported in: *New York Times*, December 28.

harassment

Los Angeles, California

During long lulls between calls, Los Angeles County Fire Department Captain Steve W. Johnson liked to read a magazine that he'd been reading for thirty years — *Playboy*. But Johnson's reading sessions came to an end in July, 1992, when superiors issued a sexual harassment policy banning sexually oriented publications — including *Playboy*, *Penthouse*, and *Playgirl* — from all work locations, including dormitories, restrooms and lockers.

The policy, which stirred vigorous internal debate, was designed to prevent a sexually charged environment in fire stations, especially because of the increasing number of women in what used to be an all-male bastion. But Johnson, with the backing of *Playboy* and the ACLU, filed suit December 16 in Los Angeles Superior Court, alleging that his First Amendment rights were abridged by a policy that prevents him from reading what he wants.

"I think during your off-duty time you should be able to study, snooze or read a magazine of your choice," said Johnson. "I happen to enjoy *Playboy*."

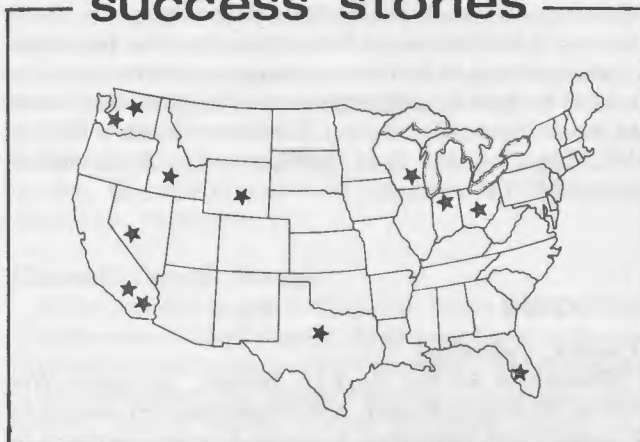
"This is so silly in this day and age," said *Playboy* lawyer Burton Joseph. "You expect firefighters to risk their lives and then you treat them like children." At a press conference, ACLU Los Angeles Executive Director Ramona Ripston emphasized the importance of anti-harassment policies. But she said a ban on a constitutionally protected publication such as *Playboy* — a rule against even storing one in a locker or reading one in a bunk — goes too far.

Ripston said she would not have taken the case if Johnson compelled others to view the centerfolds or made derogatory comments about women. But all he does, she said, is read. "If he sits there by himself and just reads the magazine, that's protected," she said. "If he takes the centerfold and opens it up for all to see and says, 'Hmmm!' or 'Hey; look at this!', that's offensive."

"We have a right to say what should or should not be brought into the work environment if it affects our operations," responded Rick Palardy, a department personnel officer. "Sexually explicit material introduces the idea of sex in the workplace and we could expect females to find that uncomfortable." Reported in: *Los Angeles Times*, December 17; *San Pedro News-Pilot*, December 17.

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success stories



libraries

Pocatello, Idaho

The board of trustees of the Pocatello Public Library voted in mid-November to keep an historical romance novel on library shelves despite a patron complaint that it was pornographic. Library Director Max Leek told the board that *To Love Again: A Historical Romance*, by Beatrice Small, was typical of popular romance novels: it's poorly written, with wooden characters and explicit sex passages. But he only received one complaint about it and if it were removed, all others of the genre would have to be removed as well. Reported in: *Coeur D'Alene Press*, November 12.

Jackson County, Indiana

After more than two hours of testimony, the Jackson County Public Library board of trustees voted 5-2 December 21 to support Library Director Connie Ozinga's decision to keep *Rolling Stone* magazine on the library's shelves. The vote was held because five people appealed complaints about the magazine in which they asked that it be either removed from circulation or restricted to adult patrons.

The controversy was sparked by the magazine's September 16 issue, which featured singer Janet Jackson on the cover nude from the waist up, with a man's hands covering her breasts. Those opposed to the magazine complained that it "promotes impurity and promiscuity" and "sets a very bad example for our young people."

Ozinga defended the library's decision. "Citizens have the right, the freedom to choose what they may read," she said in a report to the board. "No one is forced to read any book or magazine. Nor should any citizen have the right to deny the freedom to read to his neighbors." Reported in: *Jackson County Banner*, December 28.

Dayton, Ohio

Trustees of the Dayton and Montgomery County Public Library voted unanimously December 15 to keep ten children's books dealing with children who have homosexual parents on open shelves in the children's section. The 7-0 decision came amid cries of "God will judge you" from members of a conservative Christian group who had demanded that *Heather Has Two Mommies* and *Gloria Goes to Gay Pride*, by Leslea Newman; *How Would You Feel If Your Dad Was Gay?*; *The Duke Who Outlawed Jelly Beans*, by Johnny Valentine; and *Daddy's Roommate*, by Michael Willhoite, among others, be removed from library shelves.

U.S. Magistrate Judge Michael Merz, library trustee chair, said he would "accept the challenge" of divine judgment. "Much as I hate what is in Hitler's *Mein Kampf*, I would leave this board if there were a vote taken to remove that book from the library," said Merz, who is Jewish. Merz also told the crowd of more than a hundred that he had reviewed the books and found none to be pornographic or even to describe sexual conduct.

Many but not all the removal advocates were from a congregation that conducts annual book burnings to demonstrate its renunciation of books related to pornography, the occult and "false gods" of other religions. They presented petitions seeking to have the gay-oriented books banned.

"The majority of the people in this city must take a stand against books that teach homosexuality to children," said Jeff Flora, who was among those appealing to the board.

Library Director John Wallach had previously rejected the removal request. "Children of gay/lesbian parents . . . should not be denied books portraying a family like their own in a positive light," he said in a reply to the request.

The Rev. Jeffrey Baugham told the board, "There has to be censorship to survive. There has to be absolutes. It is really a moral concern." Baugham claimed that "former homosexuals and lesbians" had told him "it was not natural for them to lead a homosexual way of life." Reported in: *Dayton Daily News*, December 16.

Ennis, Texas

The Ennis Public Library will continue to have *Halloween ABC*, by Eve Merriam, on its shelves. The library board voted unanimously November 1 to keep the book in the library's collection. It had been asked to remove the book by a patron who believed it propagates Satanism (see *Newsletter*, January 1994, p. 13).

Head librarian Ann Peeler said the issue was larger than just one book. "If you endorse censorship, ban the book," she said. "If you don't endorse censorship, it would be a hard thing to do with a book that is well-received and accepted. Does any one individual have the right to determine what you read? Every parent has their own agenda, and, as such, should have the opportunity to exercise that and not have another parent determine it."

The patron who filed the complaint did not appear before the board. Reported in: *Ennis Press*, November 5.

Issaquah, Washington

Parts of the children's book *The Amazing Bone*, a 1976 Caldecott Honor Book by William Steig, bothered many of the fourteen members of a school district review committee. But taking the book off the shelf of the Discovery Elementary School library bothered them more. On December 6, the committee of ten teachers, librarians and a counselor and five community members voted 13-1 in favor of keeping the book. "It makes me uncomfortable to say this should not be in the school's library but can be in the county's libraries," said committee member Jann Longman.

Stephanie Rostad, the parent who first complained about the book when her first-grade son brought it home October 4, didn't like the outcome but said some important points were made. "The meeting raised some questions beyond the book," she said, "namely the vehicle by which parents are heard and the amount of influence those parents are allowed by the district."

Rostad stated that she was "shocked by the graphic and detailed violence in the book," in which a pig is befriended by a talking bone that fell from a witch's basket. The bone protects the pig from armed robbers and a fox. Rostad said the book promotes violence, doesn't provide "pleasurable exposure" to reading, and is beyond the maturity level of its intended audience. "Choosing quality for children is not censoring; it's common sense," she said. Reported in: *Issaquah Press*, December 8.

Rice Lake, Wisconsin

A seven-member committee voted unanimously November 26 to recommend that the controversial children's book *Halloween ABC*, by Eve Merriam, remain in the Cameron Elementary School library. The committee gave the recommendation to district administrator Howard Hanson, who decided to follow the committee's wishes. "We found it's most appropriate that the book remains part of the library collection," Hanson said.

The book came under fire when Luana Kelley filed a complaint November 4 after her ten-year-old son had checked out the book of poems. Kelley charged that the book promotes satanism, murder and suicide. She may appeal to the school board, but she said she had lost faith in the system. "I'm starting to lose so much faith in the system," she said. "It's unreal. I just feel that the system stinks."

"It was my opinion that this book is not promoting satanism, homicide or suicide and there's no profanity or pornography," countered Hanson. "It was an issue of context. The book was written in the context of Halloween. The book is not required reading and the district has a long-standing policy for parents to not allow their children to read certain books."

The review committee included the high school librarian, the curriculum coordinator, a school board member, two teachers and two parents. Reported in: *Rice Lake Chronotype*, December 1.

Green River, Wyoming

The Sweetwater County Library Board decided November 14 to keep the book *Do or Die*, by Leon Bing, on library shelves. Library Director Helen Higby said the board concluded the book fit into its selection policy. The couple who wanted the book banned claimed that it showed children how to become part of a gang (see *Newsletter*, January 1994, p. 14). Reported in: *Rock Springs Daily Rocket-Miner*, November 19.

schools

Corona, California

Catcher in the Rye, by J.D. Salinger, and *Brave New World*, by Aldous Huxley, will remain required reading for Corona-Norco high school juniors and seniors, despite a request by some parents to make them optional. The district's Curriculum and Support Services Network decided November 8 that teachers should make clear that alternatives to the two controversial novels are available if students object.

"I don't think that set-up is a good one," responded parent Nancy Waldvogel who, along with parent Joan Thacker, made the original complaint against the books. "Better to let them choose from a list of books. To me, the current option is not really a choice."

Waldvogel and Thacker said the books violate recently adopted board policies stressing abstinence from sex and drugs. They said the books contain foul language, teen suicide and sexuality, and could be replaced by less controversial books. "We are letting the students down at a time when students must deal with AIDS, sex and drugs," Waldvogel said. She added that the books also employ language that "isn't allowed to be said in the classroom."

At meetings to consider the request, however, teachers, parents and students said the books provoked good classroom discussions and dealt with themes that high school students wrestle with. Reported in: *Corona Independent*, November 17, December 8; *Riverside Press-Enterprise*, December 7.

Simi Valley, California

A Moorpark Unified School District trustee suffered a defeat in his public battle to remove four books by Jean Auel from a high school reading list. *Clan of the Cave Bear* and three other books by Auel should stay on Moorpark High School's eleventh grade recommended reading list, a seven-member committee decided unanimously November 15.

Trustee Tom Baldwin filed a complaint saying the books contain sexually explicit passages and should not be recommended to high school students; he held a press conference in October to promote his cause (see *Newsletter*, January 1994, p. 14).

English teacher Peggy Blakelock argued that the book should remain on the list. "The right to read what you want

is basic to democratic society," she said. "We teach things, we don't advocate." Blakelock also noted that because the books are long no student has done a report on one of them since they were placed on the recommended list.

The committee recommendation was to go to Superintendent Tom Duffy, who was expected to accept it. Baldwin said he would then probably appeal to the school board, but acknowledged, "I would have liked to have gotten a vote or two. It gives you pause." Reported in: *Simi Valley Enterprise*, November 17.

Churchill County, Nevada

A flap over dictionaries in Churchill County appeared over after the county school district's Media and Material Review Committee voted unanimously December 1 to recommend to the school board that copies of the *American Heritage Dictionary*, Second Edition, remain in school libraries and classrooms.

The controversy began after another dictionary was removed from — and later returned to — classrooms in Washoe County (see *Newsletter*, January 1994, p. 37). Principal Jim Dakin of Northside Elementary School was inspired to research his school's dictionary and found that the *American Heritage Dictionary* includes the word "fuck." Dakin contacted Superintendent of Schools Robert Quisenberry, who instructed him to pull the books until further notice. Reported in: *Lahontan Valley News & Fallon Eagle Standard*, December 3.

Kirkland, Washington

Two novels challenged separately by parents will continue to be used in Lake Washington School District classrooms (see *Newsletter*, January 1994, p. 16). The district's Reconsideration Committee voted 6-2 November

17 to uphold the use of *The Sound of Waves*, by Yukio Mishima, denying a challenged filed by parent Julie Bergman. It was the second consideration of Bergman's complaint. Previously, the committee had voted unanimously against her, but in an illegally closed meeting. Two days later, a different committee rejected a complaint by parent Barb Keck about the novel *Soul Catcher*, by Frank Herbert. The committee deadlocked 4-4 before district curriculum director Patty Henson-Crawford cast the tiebreaking vote in favor of the book. Those who voted against the book, however, did not want to ban it, but favored placing some restrictions on its classroom use.

Bergman complained that Mishima's prize-winning 1956 novel gave students "lessons in immorality, perversion [and] degradation of women" in scenes involving nudity and sexual contact. Keck called *Soul Catcher*, a novel about Native Americans, "a mockery of Christianity" and "very much anti-God." Reported in: *Seattle Post-Intelligencer*, November 18; *Bellevue Journal-American*, November 17, 18, 20; *Kirkland Courier*, November 17; *Redmond Sammamish Valley News*, November 17.

student press

St. Petersburg, Florida

The St. Petersburg High School *Palmetto & Pine* went back on sale November 18 after the school principal agreed to let students distribute the paper despite a headline and drawing that she called inappropriate. "If people really demand to have something, they should have it," principal Barbara Broughton said. "I have not had a change of heart. I still think it was in poor taste."

The day before Broughton halted distribution of the paper less than an hour after it went on sale. She was bothered by the headline — "Sexual HarASSment (Check out that ASS!)" — and by an accompanying cartoon showing a young man pinching the buttocks of a young woman.

Broughton said she met with the newspaper's adviser to discuss the issue. "We had a serious discussion about her role, the students' role, and what's acceptable," she said. "I have never been in the business of censorship." But "we have an absolute duty to teach students what might or might not be acceptable by the standards of the community." Reported in: *St. Petersburg Times*, November 18, 19. □

(legal . . . from page 68)

publishing

Norwalk, Connecticut

With more than a million copies in print, the raunchy autobiography of controversial radio personality Howard Stern, *Private Parts*, has gotten a lot of exposure. But not in three large warehouse chains — Price Club, Sam's, and BJ's — which refused to sell the book. Caldor, a smaller department store chain of 150 stores based in Norwalk, went even further. It not only refused to sell the book but deleted it from the *New York Times* best-seller list of non-fiction books, moving the number two title up to Stern's number one place.

"We think it's a controversial book and we don't care to sell books like that," said Gary Vasques, senior vice president for marketing for Caldor. "We would get more customer complaints by selling the book than would warrant the sales we would make off the book."

Caldor posts both hardcover and paperback *New York Times* Best Seller lists. Vasques said Stern's book was removed from the list because the book was not available for purchase. "We probably shouldn't have done that," Vasques said.

Nancy Nielsen, vice president of corporate communications for the *Times* said, "We are very unhappy that the

display has been altered. Caldor has assured us they are taking immediate action to correct the situation. We don't want the credibility of the paper affected." Reported in: *Stamford Advocate*, November 11; *Norwalk Hour*, November 12; *St. Petersburg Times*, November 13.

broadcasting

Washington, D.C.

Pentagon officials said November 30 that they do not carry controversial talk show host Rush Limbaugh's broadcasts on the Armed Forces Radio and Television Service because there is not much demand, not because of any desire to censor his ultraconservative views.

"Rush Limbaugh fans may be sad to learn that the latest survey of randomly selected military audience members showed that, at least for the Rush Limbaugh TV show, only 0.02 percent of them wanted it," Pentagon representative Kathleen DeLaski said. "I don't think this is so much a swipe at Rush Limbaugh; it's more of an issue of the interest in talk radio in general on our broadcast service." She said only 3.9 percent of the troops "asked for any talk radio show at all. The interest is in sports and music."

Rep. Robert Dornan (R-CA) and seventy Congressional colleagues had written Defense Secretary Les Aspin complaining that Limbaugh had been muzzled by the "liberal leadership" at the Pentagon. Reported in: *Washington Post*, December 1.

etc.

Moon Lake, Florida

Pasco County Commissioner Ed Collins said November 20 that he would ask the commission to remove signs identifying the Knights of the Ku Klux Klan as new members of the Pasco Adopt-a-Road cleanup program. "I want to find out how we might be able to take the signs down if residents don't want their street cleaned by the KKK," said Collins, adding that two residents of Moon Lake had called him objecting to the signs.

County officials said they never considered rejecting the Klan's application because it met all of the legal requirements for the anti-litter program.

County Commission Chair Ann Hildebrand said one Moon Lake resident had asked her to have the signs removed. "I can appreciate that based on the historical past of the Ku Klux Klan," Hildebrand said. But, she added, "they came in as a club and filled out the papers to adopt a road. Based on what I understand of the First Amendment and the potential threat of a lawsuit, which would endanger the taxpayers of Pasco County, I don't think we could legally do that." Reported in: *St. Petersburg Times*, November 21.

Dayton, Ohio

Pollution-control regulators want to keep books out of the annual book-burnings that a Dayton minister has staged for four years. The Rev. Donovan Larkins, pastor of the Spirit of Life Christian Center, said the burnings demonstrate his church's renunciation of books and other materials related to pornography, the occult and what he called "false gods." The church held its fourth annual burning October 30.

But John Paul, supervisor of the Regional Air Pollution Control Agency, said he sent the group a letter warning that their permit allowed them to burn only clean, dry wood. If they burn books, they violate the law, the letter said. Reported in: *Springfield (Ohio) News-Sun*, November 9. □

(bench . . . from page 64)

art

Pittsburgh, Pennsylvania

In a case that pitted artistic freedom against the sanctity of the nation's currency, U.S. District Court Judge Royce Lamberth ruled December 9 that artist J.S.G. Boggs, who produces drawings and exact-size prints of U.S. bills, is not protected from criminal counterfeiting charges even though he has shown no intention to defraud anyone.

"This court accepts Mr. Boggs's belief that money is valued, in part, because of our trust in political institutions," wrote Lamberth. "To that end, these political institutions should be given the means by which to establish and maintain the value of United States currency."

Boggs, a fellow in art and ethics at Carnegie Mellon University, had been drawing money for nine years. In December, 1992, Secret Service agents raided his Pittsburgh studio and seized more than 1,300 pieces of his artwork. Boggs sued the government to protect his remaining work and to ask the court to rule that the counterfeiting laws did not apply to him. Lamberth dismissed the suit.

"It's nothing less than censorship," Boggs said of the decision.

Boggs creates oversize oil paintings of currency, but is best known for his "Boggs bills" — actual-size color drawings that look remarkably real except for tiny, wry commentaries by the artist. Boggs then barter his bills for goods and services, asking people to accept them as valuable art rather than valuable money. He has traded his work for a \$5,000 motorcycle and a \$2,000 hotel stay. Collectors have paid up to \$25,000 for an original Boggs.

Lamberth's ruling cleared the way for the Treasury Department to prosecute Boggs for counterfeiting. He has been prosecuted for counterfeiting in England, where a jury acquitted him, and in Australia, where a judge threw out the case before trial. Reported in: *Washington Post*, December 10.

Toys 'R' Us pulls violent video game

Amid growing public complaints about the display of blood and guts in video games, Paramus, New Jersey-based Toys 'R' Us, the nation's largest seller of toys and games, said December 16 that it had stopped selling the Sega Genesis home video game *Night Trap* because it is too violent for children. But the company, which has 581 retail stores across the country, said it would continue to sell *Mortal Kombat*, a much more widely available game that has generated protests by parents over its violence and sexual content.

"We took the game off the shelves and we are not selling it anymore," said Michael Goldstein, vice chair and chief financial and administrative officer of Toys 'R' Us. "This is a decision we made several weeks ago with the concurrence of Sega. . . ." The decision by Toys 'R' Us touched off actions by other toy retailers, like F.A.O. Schwarz, which also decided to stop selling *Night Trap*. Sega, which introduced its own rating system last summer, labels *Night Trap* as inappropriate for children younger than 17.

At a U.S. Senate subcommittee hearing on the issue the previous week, representatives of Sega Enterprises and Nintendo of America, which dominate the video game industry, and large retailers like Sears and Toys 'R' Us said they would work to develop a voluntary labeling system aimed at advising parents about the depiction of violence and sex in the games. The ratings are also intended to ward off legislation that would establish more stringent controls.

"I'm very disappointed that Toys 'R' Us would do that," said Tom Zito, president of Digital Pictures, which makes the game for Sega. "While it is certainly not an appropriate game for an eight-year-old, *Night Trap* is actually very benign and is designed as a parody of a vampire movie." Zito said the game was unfairly "pilloried" at the Senate hearing, complaining that it was being attacked for "a 20- to 30-second excerpt from a product that has over a hundred minutes of video."

Senator Joseph I. Lieberman (D-CT), who has been a leader in the crusade against violent and sexually explicit video games, applauded the move. "I'm thrilled and very grateful that Toys 'R' Us is drawing some limits," he said. "*Night Trap* was the worst. This will help parents raise their children and not leave it up to the video game industry to do so."

The video game industry's ratings proposal would create a board that would design a system under which games would be rated before they went to market. Participating manufacturers would label the games. Although the companies have not decided how the ratings would be designed, they could resemble the system adopted by Sega. Sega gives games one of three labels: "Mature Audiences — 17," on those, like *Night Trap*, that may not be appropriate for children younger than 17; "Mature Audiences — 13;" and "General Audiences."

While Nintendo does not have a rating system, it has adopted comparatively strict guidelines that restrict "gratuitous" or "excessive" violence or sexual innuendos. For instance, the version of *Mortal Kombat* licensed for Nintendo machines does not contain scenes in which lifelike characters rip out the spinal columns and sever the limbs and heads of their opponents that are available on the arcade, Sega Genesis, and CD-ROM versions of the game. Nintendo officials said they had sacrificed sales as a result.

Action and adventure have long been staples of video games. But advances in technology have made it possible to produce realistic games that engage the players in a way television cannot. Not only are some of the games more violent than television offerings — even cartoons — but the most advanced new games can also make players feel as if they are participating in an action movie or science fiction thriller. Reported in: *New York Times*, December 8, 17. □

Hentoff wins Downs award

Nat Hentoff, writer and reporter, has been selected by the University of Illinois Graduate School of Library and Information Science as the recipient of the 1993 Robert B. Downs Intellectual Freedom Award. The award recognizes Hentoff for his long-standing and consistent defense of First Amendment rights. Hentoff has written extensively on the topic in newspaper columns, magazines, and books.

The Robert B. Downs Intellectual Freedom Award was established in 1969 by the faculty of the University of Illinois Graduate School of Library and Information Science in honor of Dean Emeritus Downs' 25th anniversary as Director of the School. The award, given annually, acknowledges individuals or groups who have furthered the cause of intellectual freedom, particularly as it impacts libraries and information centers and the dissemination of ideas. The award is given to those who have resisted censorship or efforts to abridge the freedom of individuals to read materials of their choice. The award may be in recognition of a particular action or long-term interest in, and dedication to, the cause of intellectual freedom.

Hentoff, an authority in the area of First Amendment defense, writes for the *Village Voice*, *The Washington Post*, and *The New Yorker* magazine among other publications. An award-winning author of fiction and non-fiction for children and adults, Hentoff's most recent work is *Free Speech For Me—But Not For Thee: How the American Left and Right Relentlessly Censor Each Other*. A member of the steering committee of the Reporters' Committee for Freedom of the Press and the Freedom to Write Committee of P.E.N./American Section, Hentoff has taught First Amendment history at the New School for Social Research and at New York University. □

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