

newsletter
on
intellectual
freedom



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California pulls, then restores, two Alice Walker stories on test

After three weeks of stormy controversy, the California state Board of Education voted unanimously March 11 to reverse itself and to return three stories by Pulitzer Prize winning authors Alice Walker and Annie Dillard to the pool of literature selections for use on future achievement tests for public school students. The decision followed a three-hour hearing so emotional that an NAACP representative accused the board of behaving "lower than Nazis" for withholding the stories in the first place. Despite the intense criticism, the educators acknowledged no wrongdoing.

"I do not believe that the actions of the Department of Education's professional staff or of this board were motivated by racial bias, the intent to exercise censorship, or by pressure from special interest groups of any kind," board President Marion McDowell said.

The three stories — "Roselily" and "Am I Blue," by Walker, which appeared in the collection *In Love and Trouble: Stories by Black Women*, and excerpts from Dillard's *An American Childhood* — could not be restored to the 1994 test because it was already in print. "Roselily" appeared on the 1993 exam. The other stories did not. More than a million students were scheduled to take the test in mid-April.

Known as the California Learning Assessment System (CLAS), the new test replaces the old multiple-choice version with open-ended questions that prompt students to write thoughtful essays. The exam includes short works of literature instead of abbreviated excerpts. Students are scored according to the quality of their essays. The assessment system measures skills in reading, writing and arithmetic. The math section also requires students to explain their reasoning.

State education officials had originally acknowledged on February 18 that they had removed "Roselily" from the test for fear of offending the Traditional Values Coalition. The test has been hailed by educators as a revolutionary new tool that teaches students to think for themselves. But the conservative Christian critics said the Walker story was "anti-religious" and lobbied hard to have it removed.

The removal apparently began when Beverly Sheldon of the Traditional Values Coalition spoke before a state Board of Education committee in January. She showed them test sections that her group found offensive. Among them was Walker's seven-page story about the wedding of a mother in rural Mississippi who questions marriage and religion.

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most censored stories of 1993

The top censored story of 1993 cited an under-reported study by the United Nations Children's Fund which revealed that nine out of ten young people murdered in industrialized countries are slain in the United States. Carl Jensen, professor of communication studies at Sonoma State University, California, and founder/director of Project Censored, said the mass media should have warned the public about the growing violence against our young people long before the tragic kidnap/murder of Polly Klaas captured the media's attention in late 1993.

Project Censored, a national media research effort now in its 18th year, located stories about significant issues that are not widely publicized by the national news media. Following are the top ten under-reported stories of 1993:

1. The U.S. Is Killing Its Young. An alarming report by the United Nations, revealing that the United States has become one of the most dangerous places in the world for young people — a situation which continues to worsen — was ignored by the nation's major news media.

2. Why Are We Really In Somalia? While the media touted humanitarian reasons for our intervention in Somalia, one investigative journalist reported that "four major U.S. oil companies are quietly sitting on a prospective fortune in exclusive concessions to explore and exploit tens of millions of acres of the Somali countryside."

3. The Sandia Report On Education. One of the most thorough investigations into the quality of education in the United States did not produce the expected results to support the Bush administration's preference for the school voucher system and ended up being swept under the carpet.

4. The Real Welfare Cheats: America's Corporations. While all administrations call for welfare reform, the jailing of welfare cheats, and the need for workfare, they rarely mention the largest recipients of taxpayer largesse: major U.S. corporations.

5. The Hidden Tragedy Of Chernobyl Has Worldwide Implications. A devastating book on the far-reaching impact of the 1986 Chernobyl disaster, censored in Russia and under-reported in the U.S., explodes many of the myths promoted by the Soviet authorities and eagerly accepted by the international nuclear establishment.

6. U.S. Army Quietly Resumes Biowarfare Testing After Ten-Year Hiatus. Although few people outside of Dugway, Utah, are aware of it, the U.S. Army has brought biological warfare testing back to a site it declared unsafe a decade earlier.

7. The Ecological Disaster That Challenges The Exxon Valdez. A chronic environmental nightmare caused by selenium-contaminated drainwater makes the Exxon Valdez oil spill pale in comparison.

8. America's Deadly Doctors. A well-documented report revealed that 30,000 to 60,000 of America's doctors are

impaired or incompetent and could be hazardous to your health.

9. There's A Lot Of Money To Be Made In Poverty. A special issue of *Southern Exposure* magazine reveals how some of America's largest and best-known national and international corporations own and finance a growing "poverty industry" that targets low-income, blue-collar, and minority consumers for fraud, exploitation, and price gouging.

10. Haiti: Drugs, Thugs, The CIA And The Deterrence Of Democracy. While the media tends to focus on the Haitian boat people, little attention is given to the CIA's involvement with the overthrow of Haiti's first freely elected president and the smuggling of cocaine from Colombia and the Dominican Republic into the U.S.

Another 15 under-reported issues round out the list of the top 25 "censored" stories of 1993: High-Tech Maquiladoras in Silicon Valley, The Rocky Flats Grand Jury That Wouldn't Take It Any More, Public Input and Congressional Oversight Locked Out of NAFTA, Public Relations: Legalized Manipulation and Deceit, Thousands of Cubans Losing Their Sight Because of Malnutrition, Tropical Rainforests — More Endangered Than Ever Before?, Clinton's Option 9 Plan: A Resounding Defeat for Ancient Forests, The Silent Slaughter in Bangladesh, How Big Business Corrupts the Judicial System by "Buying a Clean Record," Anti-Defamation League of B'nai B'rith — an Oxymoron?, The EPA Ignores Its Own Toxic Experience, Stinger Missiles Sting U.S. Taxpayers Twice, DARE: The Biggest Drug Bust of All, Setting the Corporate Fox to Guard the Chickens in the '90s, The EPA Fiddles While an Illegal Incinerator Pollutes Ohio.

The panel of judges who selected the top ten under-reported news stories were Dr. Donna Allen, founding editor of *Media Report to Women*; Ben Bagdikian, professor emeritus, Graduate School of Journalism, University of California, Berkeley; Richard Barnet, Senior Fellow, Institute for Policy Studies; Noam Chomsky, professor, Linguistics and Philosophy, Massachusetts Institute of Technology; Hugh Downs, host, ABC's "20/20;" Susan Faludi, journalist/author; George Gerbner, professor of communication and Dean Emeritus, University of Pennsylvania; Sut Jhally, professor, Communications, University of Massachusetts; Nicholas Johnson, professor, College of Law, University of Iowa; Rhoda H. Karpatkin, president, Consumers Union; Charles L. Klozer, editor and publisher, *St. Louis Journalism Review*; Judith Krug, director, Office for Intellectual Freedom, American Library Association; Frances Moore Lappe, co-founder and co-director, Center for Living Democracy; William Lutz, professor, English, Rutgers University, and editor of *The Quarterly Review of Doublespeak*; Jack L. Nelson, professor, Graduate School of Education, Rutgers University; Michael Parenti, political scientist and author; Herbert I. Schiller, professor emeritus of Communication, University of California, San Diego; and

Sheila Rabb Weidenfeld, president, D.C. Productions.

The SSU Project Censored researchers, who reviewed and evaluated more than 700 "censored" nominations from throughout the country, were Gerald Austin, Jesse Boggs, Paul Chambers, Tamara Fresca, Tim Gordon, Bill Harding, Courteney Lunt, Katie Maloney, Mark Papadopoulos, Kristen Rutledge, Sunil Sharma, Laurie Turner, Mark Lowenthal, assistant director of Project Censored, and Amy S. Cohen, Project Censored research associate.

CENSORED: The News That Didn't Make the News and Why, the 1994 Censored Yearbook, published by Four Walls Eight Windows, New York, is available at bookstores or by calling 1/800/626-4848. To receive a free pamphlet listing the top 25 stories, please send a self-addressed, stamped envelope to Project Censored, Sonoma State University, Rohnert Park, CA 94928. □

Fairfax library buys anti-gay titles

Fairfax County library officials ordered more than a hundred copies of eleven books with anti-gay themes in January after Christian activists complained that the library system's collection promotes homosexuality. Library administrators said they spent about \$1,100 to buy the books recommended by the leader of a group of parents and conservative Christian activists who tried unsuccessfully last year to prevent a local gay newspaper, the *Washington Blade*, from being distributed in the county's twenty-two library branches (see *Newsletter*, July 1993, pp. 101-02; January 1994, p. 7).

Julie Pringle, the library system's coordinator of collection management, said the system purchased the books with names such as *You Don't Have to Be Gay* and *Overcoming Homosexuality* because "homosexuality is a major social issue and must be reflected in the library." The purchases were made from a small distributor of Christian books. Some of the books treat homosexuality as an illness that can be cured through counseling and lifestyle changes.

Steps Out of Homosexuality, a privately published book, is "for pastors, counselors and strugglers from a Christian perspective," according to a bibliography provided to the library by Karen Jo Gounaud, who requested the purchases and led the anti-*Blade* movement. *Overcoming Homosexuality* is "about the causes and healing of homosexuality." A children's book, *Alfie's Home*, tells about "a boy who struggles with homosexuality and then transitions naturally into heterosexuality."

Peg McCraw, president of the Fairfax Lesbian and Gay Citizens Association, said the library was "trying to appease vocal critics. Maybe they see it as a way to quiet things down." She predicted the books would find few readers in Fairfax libraries, declaring that her group would not lobby against them because they will only "sit there and gather dust."

Linda Hunt, a member of the county library board, said she was concerned that other interest groups may demand similar purchases. "It opens us up to having to spend limited resources on books suggested by other extremist groups."

Pringle said the library system often buys books suggested by residents and does not make judgments on their contents. She played down suggestions that the library was responding to Gounaud's criticism. "We are not making a judgment on whether something is right or wrong, whether it is true or not," she said. "There has been more interest in the subject of homosexuality, whether pro or con or neutral, in the past year, and we have paid attention to that." Reported in: *Washington Post*, February 5. □

survey shows free speech violations on campus

Many of the country's public colleges and universities have speech codes that appear to violate the constitutional rights of students and staff, according to a recent study by the Freedom Forum First Amendment Center at Vanderbilt University in Nashville, Tennessee.

"Hate speech on campuses is a hurtful and ugly phenomenon," wrote Arati Korwar, a doctoral candidate in mass communications research at the University of North Carolina, Chapel Hill, who led the study. "While it is natural for administrators to want to shield students by attempting to curtail the ugliness as quickly as possible, most experts agree that simply punishing hate speech will not destroy racial and other biases."

Of 384 schools surveyed in the study, 36 percent had rules punishing "hate speech" targeted at people because of gender, ethnicity or other characteristics. The report contended that such restrictions likely are unconstitutional under the U.S. Supreme Court's 1992 ruling in *R.A.V. v. St. Paul*.

"In the final analysis, administrators must weigh the value of punishing hate speech against their commitment to fundamental educational missions," Korwar said. "Educating those who verbally abuse others requires a greater commitment of time, energy and resources than does punishing such offenders."

Other findings of the study were:

- University and college codes for students rarely define obscenity, yet about 39 percent of those surveyed prohibit obscene expression, which receives no First Amendment protection.

- About 47 percent prohibit lewd, indecent and profane language, a category generally protected by the First Amendment because it falls short of obscenity.

- About 31 percent have a "catchall rule" that is vague and general enough to be used to punish offensive speech.

- Twenty-eight percent have rules prohibiting the advocacy of offensive or outrageous viewpoints. Reported in: *Editor and Publisher*, February 19. □

'gangsta rap' finds a supporter

As the debate on the social impact of 'gangsta rap' spilled over to hearings on Capitol Hill, the controversial music genre picked up a powerful ally in U.S. Rep. Maxine Waters (D-CA).

"It would be a foolhardy mistake to single out poets as the cause of America's problems," the veteran Los Angeles legislator and one of the country's most influential elected African-American women, said. "These are our children and they've invented a new art form to describe their pains, fears and frustrations with us as adults. Just because we don't like the symbols they use or the way they look, we should not allow that to cause us to embark on a course of censorship."

Waters faced off February 11 against 'gangsta rap' critics at a House of Representatives subcommittee hearing called to explore alleged links between the music and crime. Disagreeing with a growing number of black church leaders, feminists and politicians who believe 'gangsta rap' glorifies violence and promotes misogyny, Waters had been meeting with key African-American music executives to discuss concerns about the threat of government intervention.

Rap impresario Russell Simmons applauded Waters' efforts to counter the anti-gangsta rap views espoused in recent months by other prominent African-American figures, including C. DeLores Tucker, chair of the Washington-based Political Congress of Black Women, and the Rev. Calvin Butts, pastor of Harlem's Abyssinian Baptist Church (see *Newsletter*, March 1994, p. 43). Tucker's organization was instrumental in encouraging African-American Illinois Democrats Rep. Cardiss Collins and Sen. Carol Moseley-Braun to convene anti-rap hearings.

"We have declared war against gangsta rap," Tucker told the hearing. "If the record industry doesn't want to clean itself up, then we'll get the government to step in and help them out. We aim to put a stop to the distribution of these derogatory negative stereotypical images by any means necessary."

Waters, who has sponsored many bills promoting women's rights and worked for decades with gang members and church groups to reduce urban crime, defended the right of rappers to express their rage.

"While I find some of the language offensive and hard on the ears, I didn't first hear the words 'whore' and 'bitch' from Snoop," Waters said. "It's part of the culture. These songs merely mimic and exaggerate what the artists have learned about who we are. And while it is unacceptable to refer to any person in derogatory terms, I believe rappers are being used as scapegoats here. It scares the hell out of people when young black males get aggressive." Reported in: *Los Angeles Times*, February 15. □

censored student press is "boring"

High school newspapers typically are "average" or "boring" because school administrators use heavy-handed tactics to squelch and censor student expression on even trivial issues such as cafeteria food. That was the finding of a study of high school journalism by the Freedom Forum, a non-partisan organization dedicated to freedom of the press.

The study, *Death by Cheeseburger: High School Journalism in the 1990s and Beyond*, concluded that editorial and financial restrictions on high school newspapers are worse than they were twenty years ago. Nineteen high school newspapers that ceased publication in the past ten years suffered from lack of funds (52 percent), no interested faculty (42 percent), no classroom credit for the student journalists (42 percent), and no funds for the advisers' salary (42 percent), the study found.

A panel of twelve students, who reviewed 233 high school newspapers from 32 states and the District of Columbia, found nearly three of every four to be "average" or "boring." The publications focused mainly on movie, book and music reviews; few had articles critical of peers, school, teachers or the community.

"What needs to be guarded against is censorship on trivial grounds," the study said. "Many school administrators do not trust teenagers to publish a newspaper that follows traditional journalistic standards, even when adults are overseeing the newspaper's publication." Reported in: *USA Today*, March 10. □

Egyptian magazine publishes Rushdie

For the first time in Egypt, a weekly magazine published excerpts from Salman Rushdie's banned novel, *The Satanic Verses*, on January 16 in a test of government plans to loosen controls over the arts. The liberal magazine, *Rose el Youssef*, also published parts of other banned works, including one by Nobel laureate Naguib Mahfouz, and an impassioned plea for eliminating religious control over what Egyptians may read.

Culture Minister Farouk Hosni had two days earlier announced plans to curb the powers of the state censor by creating a panel of intellectuals — a Higher Committee of Censorship — which would tell him what to do. By giving intellectuals the final say in censorship policies, the government hoped to counter the growing influence of Islamic leaders and a campaign of violence by Muslim extremists against secular rule. Reported in: *Wichita Eagle*, January 17. □

in review

War of Words: The Censorship Debate. George Beahm (ed.). Andrews and McMeel, 1993. 430 pages. \$12.95.

Who should decide what you read or view—the church, the state . . . or you? This book is a visual and textual treat. It is a thought-provoking compilation and resource/reference guide that examines the fight over free expression. This censorship debate is fascinating reading, including differing views from some of the most important figures in contemporary culture.

Beahm has published a number of other books, including three on Stephen King; he is currently working on a book on basketball star Michael Jordan. He gives Barry Hoffman, who publishes the journal *Gauntlet*, credit for planting the seed for this compilation. The illustrations of artist Kenny Ray Linkous throughout the volume are magnificent and timely.

There are over one hundred essays, articles, and interviews by the most important and impassioned players in the free speech debate. Some of the most significant figures in modern literature, such as Kurt Vonnegut, Norman Mailer, and Ray Bradbury, are included. Right-wing spokespersons such as Jesse Helms, Pat Robertson, and Dan Quayle make their cases. Free speech advocates from popular culture, including Madonna, Frank Zappa, and Christie Hefner, vocalize their feelings. All points of view are represented.

Part one deals with books on the firing line. There are general discussions as well as articles on some of the most challenged titles, such as *Fahrenheit 451*, *American Psycho*, and *Nineteen Eighty-Four*. There are perspectives on *The Satanic Verses* and the entire Rushdie case, including an interview and extracts from his other writings.

Following these is a section on censorship and art. Highlighted is the National Endowment for the Arts controversy. Issues are covered by people from both extremes of the political spectrum. Two essays deal with the future of the NEA. Mapplethorpe is covered in detail by six writers, including Dennis Barrie and Dave Barry.

School media specialists will find the third part of the book revealing. Some articles take the historical approach to school censorship while the majority cover contemporary views, especially conflicting values, and challenges to materials found in schools. Quite good are the contributions of Falwell, Schlafly, and Kropp. ALA's Interpretation of the *Library Bill of Rights*, "Diversity in Collection Development" is included in this section.

The next part of the book, with eighteen excellent articles, covers an area which continues to appear more and more in the press: access to materials by children. Librarians and educators, after perusing these contributions, will have a much clearer understanding of the problems and solutions to this dilemma. Articles are divided into sections on the comics, motion pictures and ratings, television, and the music industry. Views on labeling help readers examine their own

philosophies.

The last part of the book contains writings on sex and censorship. Authors cover such important subjects as obscenity laws and sex and violence. The Meese Commission report is reviewed. One of the stronger parts of the book are the different voices represented here on sexuality.

The appendices are as important as the rest of the book. There is a position statement from Waldenbooks, best censored books compiled by Project Censored, and the art censors of the year by the American Civil Liberties Union. Forty-two excellent suggestions are given for what you can do in fighting censorship. The editor identifies other resources to which you can turn for aid and information. The description given of the organizations of all persuasions which were contacted are extremely good.

This reader has definitely become a Beahm fan due to this book. The up-to-date information encompassing the views of both censorship proponents and anti-censorship individuals and groups helps to clarify the ongoing debate of the Information Age. This book is a "must" for intellectual freedom groups and would be a valuable eye-opening addition in any library collection. It should be assigned reading for library users.—Reviewed by Gene D. Lanier, Professor, Department of Library Studies and Educational Technology, East Carolina University, Greenville, North Carolina.

Censored: The News That Didn't Make the News — And Why. Carl Jensen. Shelburne Press, 1993, 248 p. \$12.95.

Americans like to think of their news media as free — uncensored by the government and uncontrolled by special interest. In fact, so enamored are we with the notion of an independent and unfettered media that we are prone to paroxysms of rhetoric when we consider it. The free press to us is the safeguard of democracy. It is the ever-faithful watchdog of the republic. Tyrants live in fear of it. The people rejoice in its vitality. They know that the press is there to print all the news that is fit to print (and the unfit when there is a need for it).

Yet this notion of an American free press as an independent voice guarding the democratic process is merely an ideal, and like in all ideals, there is likely in it far more myth than reality. Carl Jensen, a professor of Communication Studies at Sonoma State University and director of Project Censored, argues in his powerful *Censored: The News That Didn't Make The News—and Why*, that the American press is anything but free. He charges that there are news stories that the newspapers don't print and talk show hosts won't discuss. All manner of censorship is at play. Given over to a herd mentality, haunted by the specter of libel suits, and motivated by a bottom line market mentality, the national news media practice self-censoring selectivity, choosing to ignore important stories and ruling out others as too sensitive or controversial. We may not have a press that answers to

a board of political censors, but neither do we have one that is willing to take on any and every piece of important news.

Censored: The News That Didn't Make The News—and Why offers a provocative, hard-hitting analysis of the American news media. The book pulls few punches, raises a plethora of controversies, and makes no bones about calling names. A muckraking forthrightness dominates the work.

The volume grew out of Project Censored, the nation's oldest and most prestigious news media censorship research organization, a group that boasts a distinguished list of researchers and in this title a distinguished list of contributors. Hugh Downs pens the introduction. Noam Chomsky and George Gerber among others share short essays. Jensen and his panel of judges review hundreds of news stories that never made the major news syndicates and compile a list of the top censored news items — important things that we all should have known but were never given the chance to learn about.

Take the alleged sellout of the media to Reaganism, for instance. According to several journalists, the Reagan administration promised the media giants softened anti-trust regulations that would allow media corporate mergers. In exchange, the corporations agreed to guarantee the administration favorable news coverage and positive treatments of Reaganomics. Or consider the stories that revealed that the country was really losing what the major news sources were reporting as a successful Reagan/Bush war on drugs. Alternative presses like *Common Cause*, *Mother Jones* or *The Progressive* covered these important and explosive news stories. (Jensen includes a synopsis of these issues and the full texts of many of them in the appendix.) The national media wouldn't even begin to touch them.

It is this kind of suppression of information — “whether purposeful or not, by any method — including bias, omission, underreporting or self-censorship — that prevents the public from knowing what is happening in its society” that constitutes censorship for Jensen and Project Censored. With such a broadened definition, the failure of the national media in the project's twenty-five top unreported stories of 1992 was a kind of news blackout. It was nothing short of censorship. It kept people from becoming informed citizens, from knowing what they need to know to make intelligent decisions.

Much of the value of Jensen's and Project Censored's analysis lies in its willingness to ferret out the truth and to take on all comers. You have to love their comical attack on the media's fascination with sensational and irrelevant news — what Jensen calls “junk food news stories.” And you have to appreciate the book's sophisticated analysis and painstaking research. The work is packed with information — charts, indices and lists of resources. They have even included a cryptic year by year history of censorship for the last 2500 years.

Even in this sophistication and detail, however, there are noticeable lapses of balance. When one analyzes Jensen and Project Censored's top 25 censored news stories of 1992,

one begins to wonder. Are they simply rounding up the usual suspects — just dredging up a predictable cadre of villains? Look at their list of suppressed accounts. Corporate greed, unregulated industry, the unscrupulous CIA, the Christian right, arms manufacturers, and bungling Republicans all appear a disproportionate number of times. Do Jensen and Project Censored really expect us to think they we need only to be weary of the machinations of these predictable groups of the right? And is the old conservative charge that the media suffers from a liberal bias only a phantom? It seems that for Jensen and Project Censored it is only these old enemies of the left who have somehow escaped honest media scrutiny.

Yet even this seeming lack of balance shouldn't offset our appreciation of the genuine merits of the work. Witty, fast-paced, and irreverent, *Censored* is the kind of book that everyone with an interest in the media and information industry needs to read. You won't agree with all of Jensen's analysis. You may not even accept his broadened and more inclusive definition of censorship. But after reading *Censored*, you'll never watch the evening news or peruse the daily paper in quite the same way again. The book will have expanded your consciousness. You will be thinking, “and what else aren't they telling us.”—Reviewed by Steve McKinzie, Librarian, Dickinson College, Carlisle, Pennsylvania.

The Article 19 Freedom of Expression Handbook: International and Comparative Law, Standards and Procedures. Sandra Colliver, Article 19 Law Programme Director, Article 19, August 1993. 284 pp. no price provided.

What is the European Court's ruling on the legitimacy of blasphemy laws in regard to Salman Rushdie's *The Satanic Verses*? How did the High Court of Barbados rule when poultry plant owners sued a newspaper for articles claiming the plant was unsanitary? What principles of freedom of expression were evoked?

The Article 19 Freedom of Expression Handbook provides an important comparative legal/international perspective on censorship. Like the acclaimed periodical, *Index on Censorship*, Article 19 publications remind First Amendment advocates that the United States' freedom of expression ideals and practices can best be evaluated by illuminating common ground as well as contrasts to international declarations and individual nations' legal traditions. Also important are an understanding of the relation of national law to international tribunals; comparative human rights protections and court decisions for “the public's right to know” and other principles; and procedures for filing a complaint with an intergovernmental body. This handbook provides all this and more in a logically organized format.

Article 19, the International Centre Against Censorship, derives its name from the freedom of expression article in

the United Nations 1948 *Universal Declaration of Human Rights*. Article 19, a London-based organization, includes a "programme of research, publication, campaigning and legal intervention." They monitor national compliance with international codes for freedom of expression. Article 19 also files briefs in cases of job dismissals, suppression of political expression, and other censorship-related controversies. Article 19 publications, like the 1991 *World Report*, consistently win praise for their comprehensive and concise coverage of international legal actions and theory. In this handbook's preface the editors point out, however, that most of the contents are from common law jurisdictions. In their next edition they hope to broaden their coverage, given the growing trend for national courts to look to other countries and international tribunals for guidance.

The handbook is divided into three parts: the role of international freedom of expression law in national courts; key decisions of national courts and international tribunals; and guidelines for submitting freedom of expression complaints to intergovernmental bodies. The Appendix contains such helpful information as a bibliography including, besides Europe, such areas the Caribbean, Africa, and the Middle East. There is also a chart with the affiliation of 158 states to various international human rights charters.

Part I is introduced by Soli Sorabjee's documentation, thankfully written in non-legalistic prose, of the impact of United States and European Court decisions on the developing legal culture of India. It is fascinating to contemplate the various nations' receptions of, for example, the United States Supreme Court's *Times v. Sullivan* determination of permissible criticism of public figures. Following are chapters on the ways to apply international law in national courts, including variants from Singapore to Spain.

Part II is the most substantive, with summaries of landmark freedom of expression cases in more than fifty countries. It is a fascinating juxtaposition of cases on every topic from symbolic speech to freedom of peaceful assembly to broadcasting freedom. In 1993 it turns out that the Supreme Court of Sri Lanka unanimously supported symbolic speech and cited the 1969 *Tinker v. Des Moines School District* decision upholding students' rights to wear anti-Vietnam War armbands! I learned that Sweden's Principle of Public Access to Official Records presumes that all government documents are public, unless there is an explicit government statute prohibiting access. And I discovered that "media pluralism" — the public right to information from a variety of viewpoints—is covered in the European and American Conventions. A useful listing of court decisions by country is keyed to the various topics of Part II, thus facilitating cross-cultural legal research.

Part II explains why, and how, an individual files a freedom of expression complaint with an intergovernmental tribunal like the African Commission on Human and Peoples' Rights, or the U.N. Human Rights Committee.

This highly specialized reference guide would be invaluable for libraries with strong international affairs and legal collections. For the non-specialist, it offers a fascinating "global" perspective on the First Amendment principles that United States citizens so often dismiss or take for granted.—
Reviewed by Barbara M. Jones, Director, Schaffer Library, Union College, Schenectady, NY.

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— censorship dateline



libraries

Rangely, Colorado

Rangely school officials pulled three sex education books from middle school library shelves after a group of parents and Baptist ministers complained about them. Bob VanDerweg, media coordinator for the district, said officials would review the books to see whether they are appropriate for students at Rangely Middle School.

The books are *Boys and Sex* and *Girls and Sex*, both by Wardell Pomeroy, and *Understanding Sexual Identity: A Book for Gay Teens*. At least sixty people turned up at a meeting February 14 to demand that the books be removed. Reported in: *Denver Post*, February 18.

Jacksonville, Florida

Faced with a succession of parents who either attacked or defended *The Autobiography of Malcolm X*, as told to Alex Haley, the Duval County School Board on March 1 let stand a committee's recommendation restricting the book's use in middle schools. Middle school students will need parental permission to check the book out of school libraries. It will remain available, without restriction, to high school students.

The committee decision was appealed by the group Liberty and Justice for All, which came to the board asking that the book be removed from all school libraries. They charged that it presents a racist view of white people and is a "how-to manual" for crime. "Whites are consistently described as white devils" in the book, said Robert DeGroat, a group member.

The group first challenged the book in January, charging that it is not only "hate-filled," but also "has a biased presentation for one religion — Islam — against another — Christianity," according to group representative Susan Lamb. "We feel the work is totally inappropriate, even for the high school level."

In March, 1993, Duval County schools attracted national attention by placing a restriction on elementary school library circulation of *Snow White*, citing violence in the book. In the county middle schools, two Stephen King books, *The Dead Zone* and *The Tommyknockers*, were banned. In recent years, more than sixty books have been banned by the school system after parental complaints (see *Newsletter*, January 1994, p. 5). Reported in: *Florida Times-Union*, January 26, March 2; *Miami Herald*, January 27; *Ft. Lauderdale Sun-Sentinel*, January 27.

Cary, Illinois

A Circle Unbroken, by Sollace Hotze, and *The Foxman*, by Gary Paulsen, were challenged in January by a parent who wanted the books removed from the library at Cary Junior High School. Jan Kohl said that references in the books to sex are too explicit for seventh- and eighth-graders. *A Circle Unbroken* is recommended for junior high readers. *The Foxman* is suggested for readers in the fourth grade and older.

Kohl said four pages in *The Foxman* and five passages in *A Circle Unbroken* discuss "behavior contrary to what we desire for our children to imitate." *A Circle Unbroken*, set in the 1840s, is the story of a ten-year-old girl captured by an Indian brave who rapes and brutalizes her. She is rescued by a Dakota chief, who treats her as his own daughter. *The Foxman* is about a boy who befriends a disfigured war veteran. A subplot discusses two teenage girls who become pregnant out of wedlock. Reported in: *Northwest Herald*, January 21.

Mediapolis, Iowa

The Mediapolis School Board voted 5-2 March 14 to remove *Forever*, by Judy Blume, from school district libraries. The district's reconsideration committee had earlier voted 5-4 to allow the book to remain on the shelves after some residents petitioned the board to remove it. That decision was appealed to the board.

The reconsideration committee's decision to allow *Cat's Paw*, by Joan D. Vinge, to remain on the shelves was also appealed. The board was to address that book at its next meeting.

The reconsideration committee's dissenting four members issued a minority opinion which was endorsed by the board. Committee chair Peggy Gerling and three other members said that *Forever* "does not promote abstinence and monogamous relationships [and] lacks any aesthetic, literary or social value."

School librarian Joanne McCabe asked the board to uphold the committee recommendation and "trust the students of Mediapolis. I wish there was some way that you could charge our community to deal with the social and ethical problems [of concern to the book's critics], but not by removing books from the shelves in our library.

"I believe the library is a safe place for students," McCabe said. "I believe it is a safe place for books that express a wide variety of ideas. I believe it is my responsibility to choose books that do express a diversity of values. I believe students can pick good from bad when they read a book."

But Pastor John Gaulke of the United Methodist Church of Mediapolis said he objected to the book's "use of alcohol, marijuana and sex," and reminded the board that Mediapolis is "an abstinence-based school system." Reported in: *Mediapolis News*, March 17; *Burlington Hawkeye*, January 26, 27, February 4, March 15, 16; *Des Moines Register*, March 16.

Olathe, Kansas

Despite a lawsuit filed by the ACLU and continuing protest by students at all three Olathe high schools, the Olathe School Board stuck by its decision to remove the gay-oriented young adult novel *Annie On My Mind*, by Nancy Garden, from high school libraries. The book, along with another gay novel, *All-American Boys*, by Frank Mosca, was donated by Project 21, a gay rights group, to more than forty Kansas City area high school libraries late last year. The district's book review committee rejected the Mosca book for poor literary quality, but approved *Annie*, a copy of which had already been in the Olathe South library for ten years. District administrators overruled the committee, however, and ordered both books returned and the removal of all copies of *Annie* already in district libraries (see *Newsletter*, January 1994, p. 13; March 1994, pp. 51-52).

On January 6, the Olathe School Board voted 4-2 to uphold the decision. Six students, including the senior class presidents at Olathe East and Olathe North High Schools, spoke against the decision, presenting petitions signed by more than a thousand other district students. Students who support returning the book to the libraries had indicated their sentiments by wearing white and blue ribbons to school. After the meeting, several students who spoke in protest said they would work with the ACLU to file a lawsuit.

That suit was filed on behalf of several Olathe students on March 9 in U.S. District Court in Kansas City, Kansas. Plaintiffs in the case include Olathe East High School student body president Stevie Case; her father, Steve Case, an Olathe East science teacher; two other students, Amanda Greb and Sam Pierron, and their parents; and Olathe resident Mary-Lane Kamberg. The suit did not address the refusal of the donated book, but simply demanded that copies of *Annie* already in place before the donation be returned to library collections.

"This kind of incident is becoming increasingly common," said Marjorie Heins, director of the ACLU's Arts Censorship Project. "We're hoping to send a message to school boards and school administrators all across the country who are caving in to right-wing fundamentalist groups and homophobic groups."

The board also adopted a new set of acceptance criteria for material donated to school libraries, including a rule prohibiting acquisition of books donated by special interest groups. District administrators' rationale for removing *Annie On My Mind* had been that it promoted a "special interest."

"Either the district's new policy must be consistently enforced and all material advocated by special interest groups be removed or *Annie* must be returned to the shelf," Stevie Case told the school board. Reported in: *Olathe Daily News*, January 7, 12, 19, February 5; *Kansas City Star*, January 7, March 10.

Billings, Montana

Grandpa's Ghost Stories, by James Flora, is inappropriate for kindergarten to fourth-grade pupils, parent Amanda Olson told a review committee January 26, and should be removed from the library at Broadwater Elementary School. "My opinion is that with the problems we have with violence today, this is not the thing our kids should be reading," she said.

Olson said that in one part of the book a young child sits before a television set with a ghost and watches "The Open Grave Show," where ghouls chop each other up with axes. The last remaining ghoul, she said, gets a prize for chopping up the others.

"I know when you object to a book, they start talking about book banning and that sort of thing, but I feel that's an adult thing," Olson said. "[Children] don't need to be allowed to read anything they want." Reported in: *Billings Gazette*, January 25.

Bismarck, North Dakota

A minister called on the Bismarck School Board January 24 to remove *Christine* and seven other books by horror writer Stephen King from junior high school libraries. The Rev. Sam Freshwater distributed excerpts from the novel and said, "This book should be pulled immediately." Freshwater also distributed copies of an article by Simle Junior High School librarian Konnie Wightman about how librarians should deal with parental complaints.

Board member Cindy Hochstetler supported Freshwater, offering a motion to ban *Christine*. She said the book had been one that she reviewed the previous summer when she protested two other books. That protest failed (see *Newsletter*, January 1994, p. 38). Hochstetler also charged that Wightman had used school district equipment, materials, and time "asking for ammunition to use against parents."

Hochstetler's motion failed, 3-1, largely because Freshwater had not followed procedures by filing a complaint at the school. Two days later he did. But when he met with Wightman, Freshwater also asked her to remove eight other King novels: *Carrie*, *Cujo*, *The Dead Zone*, *The Drawing of the Three*, *The Eyes of the Dragon*, *Pet Semetary*, *The Shining*, and *Thinner*.

"I'm not approaching this as censorship. I'm approaching it as age appropriateness," Freshwater said. "I'm not saying take them out of high schools, because there are 17- and 18-year-olds. I'm not saying take them out of the public library." Reported in: *Bismarck Tribune*, January 25, 26, 27, 30; *Fargo Forum*, January 27.

Fargo, North Dakota

A group of Fargo parents in February challenged a school review panel's finding that *Guns and Ammo* magazine is appropriate for junior high school libraries. Mary Schlossman, president of the Agassiz Junior High PTA, said the magazine glorifies handguns and assault weapons. "I've been told that it's a popular magazine, but I'm sure that if we put *Playboy* on the shelves, that would be popular, too."

Principal Charles Krumwiede said the magazine offered a balance to library materials promoting gun control and provides information for students interested in hunting.

The issue surfaced last November when a parent brought a complaint about the magazine to the PTA. The PTA reviewed several issues and objected to some editorial material and advertising. The organization filed a grievance with the school board in January.

A panel consisting of Krumwiede, a teacher and the school librarian reviewed and discussed the magazine, concluding that it was acceptable for sixth, seventh, and eighth grade students. "It's been on the shelves for twenty-one years and this was our first complaint," Krumwiede said.

The PTA is appealing the decision to district administrators. Reported in: *Fargo Forum*, February 12.

Springfield, Oregon

The Springfield City Council rescinded its ban on children's access to R-rated library videos March 7, but replaced it with a policy that still drew fire from civil liberties activists. In a meeting with the Springfield Library Board, the council unanimously reversed its November 22 decision to make R-rated videos off-limits to children under age 16 (see *Newsletter*, March 1994, p. 53) — a prohibition city attorneys said was unconstitutional.

Instead, council members reluctantly decided to let parents notify librarians if their kids should not be allowed to check out R-rated tapes. "I think we're straining at gnats to get basically the same thing done," said council member Greg Shaver. "I feel very frustrated that the First Amendment is being used to hurt us and keep us from doing good for our community."

State leaders of the ACLU praised the council's decision to reconsider the ban. But they said they might challenge the new policy because they believe it is also unconstitutional. "The problem is that the government is still getting in the middle of the decision making" when children try to check out R-rated videos, ACLU coordinator Polly Nelson said.

Under the revised policy parents can decide if their children should not have access to the videos when the children renew their library cards or obtain new cards. City librarians then will be charged with enforcing parents' preferences. "With this, the government is still doing the monitoring and alerting process, which should be totally left up to the parents," Nelson said. Reported in: *Eugene Register-Guard*, March 8.

Boyertown, Pennsylvania

The unidentified parent of a Boyertown Junior High East student in January challenged the presence of *Carrie*, by Stephen King, in the school library. The parent objected to the book's language, its violence, and its sexual descriptions, as well as what she described as a "Satanic killing" sequence.

The complaint was submitted to a review committee, which was to issue a recommendation to the Superintendent. Another committee was already at work reviewing a complaint lodged in December by a parent at Pine Forge Elementary School against *The Witches*, by Roald Dahl. Reported in: *Times of Boyertown Area*, January 13.

Darlington, South Carolina

A local parent told the Darlington County School Board January 18 that a book written for teenagers containing graphic language should be removed from school libraries. Johnny Tiller requested the board remove *A Hero Ain't Nothin' But a Sandwich*, by Alice Childress, from the Lamar Elementary School library and suggested the book be banned from secondary schools as well. "I feel the book doesn't belong at any school at any age," he said.

Tiller said offensive language in the book makes it unsuitable for any children, particularly for elementary school children. He read excerpts containing graphic language from the book to the board. *A Hero Ain't Nothin' But a Sandwich* tells the story of a black teenager living in an urban area who is falling into drug addiction. The book is aimed at older readers and district officials could not explain how it wound up in an elementary school library.

At least one board member agreed without even reading the book. After being handed the book and looking it over during the meeting, board member Warren Jeffords raised it in the air. While shaking it, he said the book should be removed from all school libraries. Although some other board members agreed, Chair Dick Puffer reminded them that the district has a review policy to address such complaints. Reported in: *Florence Morning News*, January 20; *Darlington News & Press*, January 27.

Rib Lake, Wisconsin

Fallout from a decision by school administrators to pull a book off a high school library shelf in early 1993 continues to plague the Rib Lake School District. Since high school principal Paul Peterson confiscated *Forever*, by Judy Blume, the following events have occurred:

- Then-high school librarian Ruth Dishnow protested the way in which the book was removed. She resigned at the end of last year to pursue graduate studies after being denied a leave of absence by the school board. Dishnow was named Civil Libertarian of the Year by the ACLU of Wisconsin.

- On March 4, a lawsuit was filed in U.S. District Court in Madison by Rib Lake High School guidance counselor Michael Dishnow, Ruth Dishnow's husband, against Superintendent of Schools Ramon Parks, Peterson and the district. Dishnow, whose contract for next year was not renewed after a lengthy open hearing January 25, during which the district cited fourteen incidents of "unprofessional conduct and insubordination," is asking to be reinstated and awarded damages.

The suit alleges the real reason behind the non-renewal was his vocal stand in support of *Forever*. Dishnow defended the book at a board meeting in March, 1993, and published his opinions in a local news column he writes.

In September, Dishnow wrote a letter to the *Medford Star-News*, charging the district with censorship and criticizing Jim Finster, the librarian who replaced Ruth Dishnow. The next day, Finster and Dishnow became involved in a verbal altercation and shortly thereafter attorney Jeff Jones wrote the *Star News* threatening the paper with a lawsuit if it continued to use the name of the high school in Dishnow's column.

- Dishnow filed a harassment suit with the Wisconsin Department of Industry, Labor and Human Relations, and Ruth Dishnow, Gail Curran, an English teacher at the high school, and Assistant Librarian Cheryl Andrist filed sex discrimination and harassment suits over incidents stemming from the book banning.

In August, 1993, both sides mediated an agreement and the suits were dropped. One of the conditions of the settlement was that there be no retaliation against those who filed the suits. Curran and Andrist have since filed new suits, however.

- At a board meeting March 10, an anti-censorship group calling itself Concerned Adults for Responsible Education (CARE) informed the board that between one and four of its members not up for reelection were being recalled. "The issue of one to four is how many good candidates we can field," said Gary Failing, a member of the group. "I guess we're concerned about the large amount of legal expenses the board has run up since April, 1993, and the end of the year." Reported in: *Marshfield News Herald*, March 9.

schools

Fairbanks, Alaska

A book by Nobel and Pulitzer Prize winner Toni Morrison will not be taught at Lathrop High School despite student protests, school officials said March 1. Lathrop administrators pulled copies of *The Bluest Eye* from an eleventh-grade classroom February 3 after students had already started reading the book, assigned by their teacher. Lathrop Principal Jerry Hartsock stressed, however, that the book would remain in the school library.

"It was a very controversial book, it contains lots of very graphic descriptions and lots of disturbing language," Hartsock explained. It "seemed counter to what our school was about." *The Bluest Eye* contains explicit scenes of rape and incest. It is not included in the school district's list of board-approved books that teachers may require as classroom reading. It's up to the principal to decide whether a teacher can require a book not on the list.

Several students protested the decision to take away the books. In a letter to the editor of the *Fairbanks News-Miner*, Sonya Norman wrote, "Doesn't a woman in America get raped approximately every five minutes? Isn't the person who usually commits this crime a friend or someone you know? Is this something we are not supposed to know? Why do they want to hold back our education? Isn't knowledge of the real world the reason we go to school?" Reported in: *Fairbanks News-Miner*, March 2.

Augusta, Georgia

In mid-January, a parent approached Richmond County assistant school superintendent Billy Mitchell with a complaint about a book his daughter had to read for high school English. The parent highlighted a passage from Nobel and Pulitzer Prize winner Toni Morrison's *Song of Solomon* that he thought filthy and inappropriate. Mitchell agreed, calling the passage base and graphic. In a January 21 memo, he instructed county high school principals to remove the book from required reading lists and library shelves.

Mitchell's action prompted controversy, however, because it ignored review policies and procedures established by the school board. After teachers and parents complained, the issue was submitted to a review committee, which was studying the issue.

The book was assigned reading in an Advanced Placement English class at A.R. Johnson Health, Science and Engineering High School. The passage to which Mitchell objected involves a conversation in which oral and anal sex are discussed. "I'm not condemning Toni Morrison," said Mitchell, who admitted that the two offensive pages were the only pages he had read in the book. "I'm just saying that's not appropriate reading for us to require students to read." Reported in: *Augusta Chronicle*, February 24.

Hilo, Hawaii

The teacher of the award-winning Waiakea High School video production class accused the school's principal of censorship in January. The teacher, John Morales, said Principal Dan Sakai refused to allow his class to do video reports on the subjects of child abuse and hemp.

"Basically, he's been censoring our broadcasts," Morales said. "We're being told we can't do certain News 101 pieces." News 101 is a feature carried statewide by a Honolulu television station.

Morales said that after the subjects were barred by Sakai, the class decided to do a piece on censorship, using non-school equipment and on their own time. When the report ran on News 101, the program noted that it was done by an independent team.

Morales said Sakai told him he was preventing the class from doing pieces on hemp and child abuse because the topics were too controversial and too complicated. Morales noted, however, that the class had already done several reports on controversial topics, including a piece on teen pregnancy that resulted in a request for the students to do a one-hour report on teenage sexuality for the state Department of Health.

"I don't want to come across as for censorship," Sakai said. He said he refused the students' request because of concerns over "safety and welfare."

Bob Jones, anchorman at KGMB television and coordinator of the News 101 pieces, said the Waiakea class was "way out in front" among the various high schools in the state participating in the program. "They have been my shining example," he said.

Jones said the station insists that schools not censor the students or attempt to coerce them into doing certain types of stories. "If we are satisfied they are telling the kids what to do, we will sever our relationship with that school," Jones said. Reported in: *Hawaii Tribune-Herald*, January 28.

Belleville, Missouri

Human Sexuality, by Elizabeth Winship, Frank Caparulo, and Vivian K. Harlin, will no longer be used as a textbook in Belleville's two public high schools. The Belleville High School District School Board voted unanimously to remove the book from use in health classes. Some parents had complained to the board that the book didn't stress abstinence from sex by high school students.

"We have an abstinence-based [sex education] curriculum that we try to make value-neutral," Assistant Superintendent Douglas Dahm said, in explaining the board's February 21 decision.

Dahm had headed a committee that reviewed parents' objections. He said the committee decided that the book was only a supplemental text to a health course, used only at Belleville East High School, and that the course could be taught as well without the book. "It's not like we're losing an important part of the curriculum," he said.

Carol Davenport said she and about forty other parents had complained because the book "did not concentrate on abstinence." She said the book was also flawed because it didn't say whether sexual relations before marriage, homosexuality, masturbation or abortion are right or wrong. Reported in: *St. Louis Post-Dispatch*, February 23.

Helena, Montana

A committee reviewing two sex education videos used by Kessler School for fifth and sixth graders recommended January 18 that the school drop one of them. Three parents challenged the videos in November (see *Newsletter*, March 1994, p. 54). The film committee recommended dropping the animated *What's Happening to Me*, which drew the most criticism at a December public hearing.

Criticism of the film ranged from claims it promoted sexist views of women to the manner in which it portrayed homosexuality and masturbation. Superintendent Sharon Walker said that *What's Happening to Me* was shown in the school for four years, but wasn't shown this past year. The film the committee recommended the school keep, *What Kids Want to Know About Sex and Growing Up*, was shown this year. Walker said that film had been intended to replace the animated film, even though the animated film wasn't controversial in the past. Reported in: *Helena Independent Record*, January 19.

Southampton, New York

Peter Pan got the hook. Southampton Intermediate School canceled a production of the play following six weeks of rehearsal after complaints from the Shinnecock Indian tribe that its portrayal of Native Americans was unflattering. Nine percent of the student body in the school are from the nearby Shinnecock Reservation. Principal John O'Mahoney and Superintendent Richard Malone tried to alter the play, but had problems with the company that owns rights to the musical. The Shinnecocks objected to the song "Uhga-Wuhga-Meatball" and demeaning words like "squaw" and "redskin." Malone said the school would consider a production of *The Wizard of Oz*. Reported in: *USA Today*, March 8; *Orlando Sentinel*, March 8; *St. Petersburg Times*, March 8.

Concord, North Carolina

A Spanish-language video was pulled from classrooms at two schools in February after parents complained about "offensive material," including footage on birth control, abortion and AIDS. Daniel Freeman, superintendent of the Cabarrus County Schools, said the film had been viewed by three administrators and judged unsuitable.

"We don't need it. We don't want it and it's out," Freeman said. "I'm sorry it happened. Those things happen."

The film had been purchased for use in the fifth and sixth-grade Spanish classes. It was shown several times at Odell Elementary and Northwest Middle Schools. Larry Riggs, principal at Odell, said he was contacted on February 16 by a parent who voiced an objection. After viewing the film, Riggs agreed that it should not be shown, although two teachers who used the film had found no problem with it and received no complaints.

Riggs said the film showed a reporter interviewing Mexican high school students in the presence of their principal. Questions related to pollution, environment, sports, music and career goals. Toward the end of the film, however, the reporter asked about AIDS and birth control. One of the students displayed a condom. Reported in: *Concord Tribune*, February 18; *Kannapolis Daily Independent*, February 18.

Fairfax County, Virginia

A book used to teach first-graders about differences in families will be eliminated from the Fairfax County School's Family Life Education program next year after some parents complained that it glorifies divorce and shows two women living together. The 32-page book, *Families*, by Meredith Tax, was criticized at a public hearing in December.

One parent complained that the book had a "lesbian theme." "Nowhere in this book is the word 'marriage' emphasized, or 'husband,' or 'wife'" said Kathy Campbell, one of the parents who complained. "The family is in trouble, and we can't diminish typical married life as we know it."

In response to the criticism, Fairfax school official decided to find a new book, according to Jerald Newberry, the coordinator of the system's Family Life program. "Our concern was really the issue of glorifying divorce," he said. In one story, a boy wishes his parents were divorced so he could fly on airplanes to visit them.

Newberry denied that concern about lesbianism influenced the decision. "There's absolutely nothing mentioned about lesbians in this book," he said. "That's ridiculous." He said the system had been using *Families* since 1988 and probably would have started looking for a more current book in the next two years. Reported in: *Washington Post*, January 12.

Lynden, Washington

Overruling the unanimous recommendation of a twelve-member advisory committee of parents, teachers, and school principals, Principal Ken Axelson of Lynden High School announced February 7 that he was removing a Pulitzer Prize-winning novel from the curriculum of an advanced placement English class. *A Thousand Acres*, by Jane Smiley, was included in a course that could be taken for college credit. It sparked a complaint by Warren and Carol Rinehart, parents of a student who was not in the class.

"This was written to be stimulating and titillating," the Rineharts said in their complaint. "No normal 16-18-year-

old could read this material and be unaffected." The complaint focused on five pages of the novel which describe sexual relations between a married couple and use the word "fuck." The Rineharts won support from Cathy Mickels, president of the Washington Alliance of Families, who circulated xeroxed passages of the book and went on radio shows to protest its contents.

Teacher Carole Hanaway said she would urge the school to drop the advanced placement class. "I don't see how we can continue this class in the current agitated political state because of the material that kids of that level read," she said. "I'm convinced that it will happen again." Smiley's book was read in conjunction with Shakespeare's *King Lear*, which *A Thousand Acres* updates and resituates on an Iowa family farm.

Axelson's decision was widely seen as an attempt to win support for a \$3 million tax levy, which was voted down anyway. Reported in: *Lynden Tribune*, January 26, February 9; *Bellingham Herald*, February 13; *Chicago Tribune*, February 23.

Oconomowoc, Wisconsin

About two hundred seniors walked out of an all-school assembly February 11 in protest of what they called censorship of the boys senior class skit. The walkout was organized as a protest by a group of about thirty senior boys who had been in charge of writing and performing the traditional skit. They were told that portions of their work were inappropriate and would not be permitted. Teachers and administrators who read the skit decided that three parts could be considered harassment toward certain groups of students.

"They were told to change those parts or not do the skit," said principal Frank Rosengren. "If we know that harassment is going on, we have to act. We don't have a choice."

Student Council Vice President Josh Polasky, who helped write the skit and organize the walkout, said it was "not a personal attack on anyone. We could have used more juvenile means to protest, but chose nonviolent civil disobedience. We felt the walkout was the mature thing. We did it as a political statement." Reported in: *Oconomowoc Enterprise*, February 16.

student press

Eureka, California

A group of journalism students accused the College of the Redwoods' administration in January of violating their First Amendment rights and censoring the student newspaper. The administration wants two people appointed to review material prior to publication in the *Voice*, which they charge has been irresponsible in its reporting and reflects poorly on the school.

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At issue were two articles that appeared in the December 3, 1993, edition. One, written by Editor Don Glavich, criticized the school's admissions office. The other was a student-written piece of fiction, "The Seed," which concluded with one of its characters using the term "nigger."

"The point of the story was a commentary about racism," explained its author, Mark Winner. But others read the story as racist itself. The college's vice president for academic affairs, Mark Edelstein, said "a number of people" attended a January 10 trustee's meeting to complain about the story. And the school's vice president for student services demanded an apology from *The Voice*.

The upshot was an ultimatum from the administration: submit "all material to be printed in *The Voice* to administrative review, or have the newspaper shut down."

"In our view, the actions taken by the administration are a clear violation of the ideal of free expression and, in fact, a violation of our rights to free speech guaranteed by the First Amendment to the Constitution," Glavich said. Reported in: *Eureka Times-Standard*, January 27.

Fremont, California

An American High School newspaper that was accused of promoting violence against cheerleaders may lose its funding, school officials confirmed February 17. Saying he was "extremely disappointed in the quality" of *The Express*, a monthly newspaper published by students enrolled in the school's journalism classes, Assistant Principal Tony Siacotos said he encouraged the student council to cut off the paper's budget.

"I suggested to the Associated Student Body (ASB) that, as far as I was concerned, the paper has every right to print what it wants, but the ASB does not have to subsidize it," Siacotos said.

Paper staffers immediately denounced the move, calling it censorship. "If we lose our funding, we're not only being censored, we're being shut down," said editor Marc Valles. "If we tried to account for the loss of funds with advertising, the paper would be all ads and few articles."

The controversy was triggered by a cartoon depicting a cheerleader as a target at a shooting range. The cartoon appeared in the satire section. Reported in: *Oakland Tribune*, February 18.

Lake City, Florida

A picture of a Columbia High School senior dressed in black and posed in front of a statue of Jesus at a local cemetery was banned from the school's yearbook because the principal said it was inappropriate and anti-Christian. The picture was part of a collage created for a senior ad in the yearbook.

Both Principal Brian Jetter and yearbook advisor Colvin Carter said the picture was in poor taste; the four girls who composed the collage and paid for the aid said it was merely a form of self-expression and to forbid them to place it in

the yearbook amounted to censorship.

"I just felt it was inappropriate to mix those messages on the same page as a picture of Christ," Jetter said. "All I asked them to do was take out the Christ picture. I think we need to separate the non-religious, anti-Christ messages from the yearbook."

"This makes no sense to me," said Marsha Forthofer, who posed, arms outstretched, in front of the statue. "I can't really understand why a picture of me isn't offensive, and a picture of Jesus isn't offensive, but when you put them together, it is. I like the picture. It's a cool picture. It's a good photograph, it's an interesting photograph. There was no hidden meaning to it, it was just a spur of the moment idea." Reported in: *Lake City Reporter*, January 21.

Pekin, Illinois

School administrators seized about 700 copies of the monthly student newspaper at Pekin High School because of two letters to the editor they said espoused racist views. "We feel the two articles would likely be disruptive to the education process," said District 303 Superintendent Jack Wilt, whose actions were supported by several school board members.

One of the letters in the *Pekinois* advocated keeping white bloodlines "racially pure" and urged people to contact a local white supremacy group. A second letter said the Ku Klux Klan is "no longer a violent organization" and interracial dating gives Pekin a bad name.

The seizure angered newspaper staff members. *Pekinois* editor Angie Durham called the action "stupid." Faculty adviser Diana Peckham said she "didn't agree with the decision. I understand what rationale they used, but that's immaterial. The fact that someone has an opinion that isn't politically correct doesn't mean [the school] has a right to censor their opinion," Peckham said.

School board president John Neumann supported Wilt's decision. "The paper was not censored," he said. "The *Pekinois* was not to be sold. The advisor may rerun the issue with other information in that space." The paper did appear two weeks late, with a letter of explanation from Wilt in the space where the letters had been. Reported in: *Pekin Daily Times*, January 8, 11; *Peoria Daily Star*, January 9, 11, 12.

Ravenna, Ohio

Students at Ravenna High School hoped the January issue of *High Times* would cause a stir. After all, included were stories about an anonymous homosexual teenager and a debate over whether marijuana should be legalized. But the students did not expect to raise such a ruckus that school administrators would suspend distribution of the school paper. "I was hoping there would be a more educated reaction," said Lindsay Folkerth, *High Times'* editor.

Folkerth and other staffers were surprised to learn that the problem was not even with the two articles they thought

would provoke controversy. Rather, offense was taken to a quote from an anonymous student who admitted crying over lost virginity, an advertisement for Planned Parenthood, and an article that included criticism about the school's heralded Classroom of the Future program. One student was quoted as saying the program "sucks."

Superintendent Philip Warner said a major concern was that some faculty members quoted in the publication did not know their remarks were going to appear in print. Folkerth said administrators might have expected "a cute, fluffy, public relations piece that would make them look better." She said the Classroom of the Future article had proved to be the major problem. Reported in: *Akron Beacon Journal*, January 30.

television

Tampa, Florida

Thousands of preschoolers may have been duped by Barney, television's singing purple dinosaur, but not Luscious M. Bromley. In Bromley's eyes, Barney-loving preschoolers are at risk of growing up to become morally bankrupt adults. And he hopes to rescue them.

"Barney is the most powerful symbol of current evilness that is going to lead this country right down the tubes," said Bromley, a 33-year-old devout Christian who is president of Citizens Concerned About Barney. Barney's gooey talk about love and sharing is just "a sugar-coated message that covers up a deeper meaning," he charged. That meaning is a melange of Satanism, occultism, and witchcraft which will weaken the future resolve of young children to resist evil.

"When they get older, they will not have the moral integrity to withstand drugs, gang-related activities, abortion, homosexuality, premarital sex and so forth," Bromley said.

Bromley is not the first to see Satanism in the insipid purple dinosaur. The Rev. Joseph Chambers of Charlotte, North Carolina, advanced the theory in his booklet, *The Purple Messiah*. According to Chambers, Barney's magic teaches children that "you can imagine anything into existence. They do seances and conjure up the dead."

While cautioning that, "We don't want to come across as religious nuts," Bromley attributed his own previous "problems with drugs, pornography and womanizing" to "a fascination with dinosaurs as a child. The program 'Land of the Lost' specifically said this prehistoric period existed. That right there is a contradiction of the Bible," he said.

"Our ultimate goal is to rid society of Barney," said Bromley, who has started a letter-writing campaign to television stations, newspapers and retailers. Reported in: *St. Petersburg Times*, February 11.

New York, New York

NBC censors cut portions of comedian Martin Lawrence's opening monologue on "Saturday Night Live" before it was

seen on the West Coast because of the monologue's raunchy content. The show also logged at least 177 complaints from viewers that Lawrence's jokes went beyond just being off-color.

Lawrence, star of the Fox sitcom "Martin" and HBO's "Def Comedy Jam," discussed John Wayne Bobbitt's penis and feminine hygiene.

Roz Weinman, NBC's vice president for broadcast standards, said Lawrence and his management had given "specific assurances" that he understood and accepted the limitations within which he had to operate. Weinman said it was impossible to make cuts in the live broadcast once it was in progress. Reported in: *Boston Globe*, February 22; *Miami Herald*, February 24.

foreign

London, England

Britain's film censorship body was in turmoil February 18 after thirteen part-time censors claimed they had been fired for not being tough enough on sex and violence. The censors, who are responsible for recommending both cuts in controversial films and what type of certificates are given, were victims of what the British Board of Film and Video Classification termed an "administrative restructuring." But the censors said they had become targets of an excessive clean-up campaign.

The internal dispute at the board became public after a number of recent controversies, including one over videos in the *Child's Play* series of thrillers, named by the judge in the recent trial of two young child murderers as possibly having affected the convicted youths. The board also came under fire after a number of local bodies overruled its decision to give *Mrs. Doubtfire* an over-12 certificate, rather than the less restrictive PG rating. Reported in: *Hollywood Reporter*, February 22.

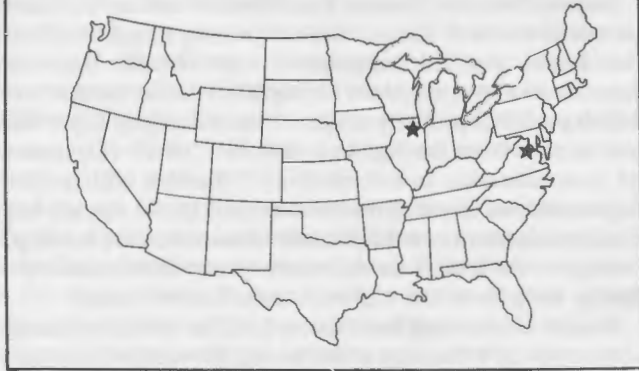
Manila, Philippines

Director Steven Spielberg pulled his Oscar-winning film *Schindler's List* from Philippine theaters after local censors ordered sex scenes to be cut. Philippine senators, also protesting the deletions, demanded the abolition of the censors board, and President Fidel Ramos told reporters he would look into the controversy.

Chief movie censor Henrietta Mendez said she ordered three cuts on the film because the scenes showed women's breasts and actor Liam Neeson making love to his screen mistress. She said Spielberg's Manila representatives wanted the film shown in its entirety and would accept no cuts. Mendez refused to back down. "The sex act is sacred and beautiful and should be done in the privacy of the bedroom," she said.

"Such narrow-mindedness precisely shows the dangers of censorship," commented Senate justice committee chair Raul Roco. Reported in: *Chicago Sun-Times*, March 3. □

from the bench



U.S. Supreme Court

Carving out a safety zone for parody within the constraints of federal copyright law, the Supreme Court on March 7 unanimously overturned a lower court's judgment that the rap group 2 Live Crew had infringed the copyright on the rock classic "Oh, Pretty Woman" by recording its own rap version of the Roy Orbison original.

The justices ruled that 2 Live Crew was entitled to a trial to show that its bawdy recasting of the 1964 song was a "fair use" of the original, exempt from a copyright infringement claim. A federal appeals court ruled in 1992 that 2 Live Crew's "blatantly commercial purpose" in recording its version, which the group described as a parody of the original, deprived it of all protection under the copyright law.

That broad ruling alarmed many who make a living through parody and made the case an important test of the doctrine of fair use. Under the doctrine, a portion of a copyrighted work may be used without permission "for purposes such as criticism, comment, news reporting, teaching, scholarship or research."

There is no explicit mention of parody in the law, however. The Supreme Court had never addressed the issue, although lower courts have considered song parodies in the context of fair use. One appeals court gave fair use protection to a parody of "When Sunny Gets Blue" called "When Sonny Sniffs Glue." Another court deemed a *Mad* magazine parody of Irving Berlin's "A Pretty Girl is Like a Melody," entitled "Louella Schwartz Describes Her Malady," to be fair use.

Writing for the Court, Justice David H. Souter said that "like less ostensibly humorous forms of criticism," parody "can provide social benefit by shedding light on an earlier work, and, in the process, creating a new one." As such, he said, parody was entitled to consideration as fair use on the same terms as other commentary.

While noting that "we might not assign a high rank" to the element of parody in the 2 Live Crew song, Justice Souter accepted the group's assertion that its "Pretty Woman" included on a 1989 album was intended as parody.

The original version, written by Roy Orbison and William Dees and copyrighted by Acuff-Rose Music, Inc., was an upbeat tale of a man who sees, longs for and eventually captures the attention of a woman as she walks down the street. In the 2 Live Crew version, the pretty woman of the first verse becomes "big hairy woman," "bald-headed woman" and "two-timin' woman."

The opinion printed both versions, with Souter commenting on the rap group's: "The later words can be taken as a comment on the naivete of the original of an earlier day, as a rejection of its sentiment that ignores the ugliness of street life and the debasement that it signifies."

The humor of parody, Souter continued, "necessarily springs from recognizable allusion to its object through distorted imitation." He said that because parody's "art lies in the tension between a known original and its parodic twin," a parody has to be able to use enough of the original to be recognizable to the audience. He said that works like parody, which take the original and effect a creative transformation, "lie at the heart of the fair use doctrine's guarantee of breathing space within the confines of copyright."

Souter said courts must make a case-by-case determination of whether a parody, or any other form of borrowing copyrighted material, qualifies as fair use. While the copyright law lists "commercial purpose" as one element in the fair use determination, the appeals court in the case mistakenly treated 2 Live Crew's profit motive as the only element, Souter said.

The ruling in *Campbell v. Acuff-Rose*, was not a final victory for the rap group, however. Souter said the group had to persuade the lower courts of two elements essential to the fair use doctrine: that it had not taken any more of the original than necessary to make the point of the parody, and that the parody had not harmed the market for the original song or the potential market for new versions that Acuff-Rose may license.

While joining the opinion, Justice Anthony M. Kennedy wrote a separate concurring opinion in which he expressed doubt that 2 Live Crew's song was a "legitimate parody" as opposed to a "commercial takeoff." Reported in: *New York Times*, March 8.

Justice John Paul Stevens was incredulous. "During an election," Stevens asked February 23 at arguments over a St. Louis suburb's sign prohibition, "would you really ban 'Vote for Ike' or 'Vote for Adlai.'" Yes, responded lawyer Jordan B. Cherrick, defending a Ladue, Missouri, ordinance that forbids residents from putting up social or political signs. The exclusive suburb insists it is trying to preserve its aesthetic standards.

But why, asked Justice Antonin Scalia, would the city then

permit flags and other rectangular cloth banners. "Why are triangles worse than rectangles? And bunting is no good? I don't understand that at all," said Scalia, not altogether serious. And what about the exception for real estate signs? Justice Ruth Bader Ginsburg asked: "Is there a greater danger of proliferation of signs saying 'Peace in the Gulf' than signs saying 'For Sale.'"

And so it went before the Supreme Court during an hour of oral arguments in which the justices mostly poked holes in Ladue's sign prohibition — and not without a few comical swipes at the fashionable and insulated town.

An important legal question at the heart of the case requires the justices to balance the competing interests of community aesthetics and free expression. Does a city ordinance that prohibits political signs, but exempts some commercial and government signs, breach the First Amendment free speech guarantee? The case, *City of Ladue v. Gilleo*, gives the court an opportunity to clarify its rules on signs, a murky area of the law in which noncommercial signs generally have received greater protection from regulation than commercial signs.

Cherrick stressed how Ladue had banned signs and invoked ordinances since its founding in 1936 that preserved the "unique aesthetic character" of its 8½ square miles. But Gerald P. Greiman, representing a woman who challenged the anti-sign law, said, "Speaking from one's own property has special communicative impact." His client, Margaret Gilleo, had put up anti-war signs at her house in December, 1990, as a U.S.-led clash with Iraq appeared imminent in the Persian Gulf region. The 8½-by-11-inch sign at issue in the case said, "For Peace in the Gulf." Gilleo put it in a second-floor window of her house.

The city is asking the Supreme Court to reverse a U.S. Court of Appeals for the Eighth Circuit ruling that the sign ordinance unconstitutionally favors commercial speech over noncommercial speech. While most of the justices appeared skeptical of the sign prohibition, some — including key, swing-vote members of the court, Justices Sandra Day O'Connor and Anthony M. Kennedy — pressed the lawyers on effective alternatives to putting up signs and whether the ordinance can be viewed as a restriction on the "time, place or manner" of speech rather than an outright ban.

O'Connor asked whether Ladue could offer space at city hall where citizens could put up signs. Greiman said that would deny people a way to personalize their messages, asserting that a sign that says "Tax the Rich" sends a stronger message when it stands outside the home of an affluent resident. To Greiman's emphasis on the special impact of a sign at one's home, Scalia remarked that sleeping in the park can be a strong statement but is rightly illegal in some cities.

Chief Justice William H. Rehnquist asked whether a city could limit the number of signs to one per house. Cherrick, defending the city's complete ban, said that would be unconstitutional because the government would be forcing

residents to choose among messages they might want to convey. Greiman said a limit on the number of signs would be constitutionally permissible.

Deputy Solicitor General Paul Bender, asking the court to rule in favor of Gilleo, told the justices that if they find the Ladue law unconstitutional, the federal Highway Beautification Act would not be jeopardized. The federal law, which prohibits property owners from putting up signs that can be seen from the highway, does not "shut off a means of communication in a community." Bender said smaller signs, such as the ones that Gilleo tried to put up, are not disallowed under the federal statute because they are not large enough to be seen from the roadway and likely would be facing away from the highway toward other homes.

Bender emphasized the importance of an individual being able to put up a message at her home. He recalled that during his boyhood in World War II he was touched by seeing signs in windows referring to a father or son in combat. He mentioned the contemporary use of yellow ribbons and said, "There is some special quality in doing this." Reported in: *Washington Post*, February 24.

libel

Washington, D.C.

Ruling 2-1 that a book review can be libelous, a panel of the U.S. Court of Appeals for the District of Columbia Circuit reinstated writer Dan E. Moldea's lawsuit against the *New York Times* February 19. "I've been waiting five years for my day in court, and it looks like I'm finally going to get it," said an exultant Moldea, who lives in the District. His suit, which had been dismissed by a lower court, immediately assumed the significance of a major First Amendment test case. Previously, the courts have held that reviews — whether of restaurants, books, plays or movies — are firmly protected matters of opinion.

In 1989, Moldea's book *Interference: How Organized Crime Influences Professional Football* was called "sloppy" and basically untrustworthy in the *Times Book Review*. His lawsuit, charging this was a false portrayal that ruined his career, asks for \$10 million in damages.

"To permit a defendant to escape liability for libel merely because defamatory remarks are published in a book review would be as simplistic as permitting an author to insulate himself or herself by merely prefacing assertions with the words 'I think . . .,'" Judge Harry Edwards wrote. He was joined by Judge Patricia Wald.

Times lawyer George Freeman declined to comment. A *Times* representative said the paper was considering asking the entire appeals court to review the decision.

Dissenting was Chief Judge Abner Mikva. He said his colleagues were performing "some troublesome surgery on the First Amendment," and argued that "sloppiness" in this context is not verifiable. "I do not know how courts could ever

check the slide down the slope that the majority opinion creates today," Mikva wrote.

Authors get bad reviews every day; as these things go, Moldea's was not overwhelmingly harsh. But the independent investigative journalist said it had a drastic effect on his career. After filing suit in August, 1990, he found his woes compounded. "I turned in twenty proposals on eleven different subjects. No one wants to work with me because I took on the *Times*." Moldea is, however, now under contract with the publisher W.W. Norton.

"Although 'sloppy' in a vacuum may be difficult to quantify, the term has obvious, measurable aspects when applied to the field of investigative journalism," Edwards wrote, just as the term "clumsy" would with a brain surgeon. The judges also agreed on the paramount importance of a *Times* review. "For an author," Edwards said, "a harsh review in *The New York Times Book Review* is at least as damaging as accusations of incompetence made against an attorney or surgeon in a legal or medical journal."

Written by *Times* sportswriter Gerald Eskenazi, the review gave a number of examples of Moldea's alleged sloppiness, five of which he has challenged. The judges said four could be determined by a jury to be true or false.

"This is a surprising if not startling result, and perhaps unprecedented," said Henry R. Kaufman, chief counsel of the Libel Defense Resource Center. The information clearinghouse is supported by media that include the *New York Times* and the *Washington Post*. "This is the footprint of *Milkovich*," he said, referring to a 1990 Supreme Court decision that held statements of opinion can be libelous if they contain "false and defamatory" facts. In that case, a Lorain, Ohio, sportswriter implied in a column that a high school wrestling coach had perjured himself. "Reviews are a very special case," Kaufman said. "People know they're reading someone's opinion." Reported in: *Washington Post*, February 19.

universities

Honolulu, Hawaii

A federal appeals court in February upheld the right of public universities to deny funds for student religious activities — even while financing a wide range of other student activities. The ruling came in a suit brought by four students at the University of Hawaii at Manoa, who said they were being treated unfairly when the university set up a policy that led to the denial of funds for activities planned by four Christian groups.

A three-judge panel of the U.S. Court of Appeals for the Ninth Circuit ruled unanimously that the university had acted within its rights. "The state is under no obligation to fund the exercise of constitutional rights," wrote Judge Thomas Tang in the opinion.

"Between the two extremes of denying student religious

groups all financial support, on the one hand, and subsidizing indisputably religious activities, on the other, the university has wide latitude in adopting a funding policy to allocate the limited resources available to promote students' extracurricular activities," he said.

The dispute started in 1989, when the student government at the University of Hawaii voted to provide funds for certain activities proposed by the four Christian groups. After the vote to provide the grants, the ACLU of Hawaii announced plans to sue the university, saying that the financing of those activities would violate the constitutional separation of church and state. The university then agreed to set up a new system for evaluating support to religious groups, based on Supreme Court guidelines. The new system did not bar all support, but required that it go only to programs that have a secular purpose and do not promote one religion.

The student groups sued the university over the policy in 1991, claiming that it denied them their rights of free speech and association. A federal district court judge rejected the claims, leading to the appellate decision. Reported in: *Chronicle of Higher Education*, February 16.

etc.

Chicago, Illinois

Three Chicago aldermen who seized a student's painting of a lingerie-clad Mayor Harold Washington were "lawless, provocative and publicity mongering," the U.S. Court of Appeals for the Seventh Circuit declared February 1. The court ordered a lower court to determine how much the aldermen must pay in damages to artist David K. Nelson, Jr.

The painting depicted the city's first black mayor in a bra, G-string, garter belt and stockings. It was part of a student exhibition at the School of the Art Institute. Aldermen Dorothy Tillman and Alan Streeter and then-Alderman Bobby Rush, now a member of the U.S. Congress, seized the painting, saying they acted to prevent riots. Reported in: *Orlando Sentinel*, February 3. □

(California test . . . from page 75)

Previously, the Coalition had leaked the story to a southern California newspaper, which published excerpts, prompting letters of protest from Christian conservatives.

Sheldon called "Roselily" "anti-religious" because it contained the phrase "the wrong God" and the sentence "She thinks of ropes, chains, handcuffs, his religion." She said her group also objected to test instructions asking how students feel about stories. "It is not the role of the school to test them on their feelings," she said.

The same day, Sheldon visited Dale Carlson, the Department of Education's testing director. Carlson told her that "Roselily" would no longer appear on the test. He also said the word "feelings" would be dropped from test instructions. The story is about a Christian woman's conflicting emotions as she is being married to a Muslim man in rural Mississippi. In the story, Roselily reflects on her new husband's scorn for her religion and her trepidation about his.

The second Walker story, "Am I Blue," it was revealed several days later, had been removed because two board members decided it was "anti-meat-eating." Board President McDowell, who along with board member Kathryn Dronenburg vetoed the story, said it contained "a very strong statement right at the end on animal rights, or dietary decisions. That could be rather disturbing to some students, who would then be expected to write a good essay while they were upset." The same two board members also vetoed the Dillard excerpt because of "violence" in the description of a snowball fight.

As word of the decisions gained broad state-wide and even national publicity, opposition mounted. "It's unconscionable," said Dianne Lucas, president of the California Association of Teachers of English. "This leaves me speechless."

"When you remove something like that, you have a ripple effect on the entire curriculum," said Del Weber, president of the California Teachers Association. More than a thousand teachers signed petitions urging state educators and lawmakers to resist "attacks" on the test.

In support of her fellow authors, acclaimed Chinese-American writer Maxine Hong Kingston angrily withdrew permission for the state to use her work on its tests. "I didn't want to be part of an exam that was organized that way. I did it in solidarity with Alice Walker. Censoring her work is censoring all our work," Kingston said.

Three California booksellers associations responded to the removals by mailing more than 1,600 copies of Walker's *In Love and Trouble* and Dillard's *An American Childhood* to every high school library in the state. The publishers, Harcourt Brace and HarperCollins, agreed to donate copies of the books.

Walker herself reacted angrily and forcefully. "I could not believe how easy it was for these people to get them to

remove the story ["Roselily"] from the test," she said. "They are abominably weak. We should all be concerned about having people educating our children who are too weak to stand up for what they say they believe in."

On March 7, Walker announced that she was turning down a prestigious state literary award from Governor Pete Wilson, a Republican, after learning that he stood by the decisions. Walker won in the literature category of the fifth annual Governor's Awards for the Arts, which designated her an official "state treasure." She urged fellow honorees — filmmaker Steven Spielberg, actor Hal Holbrook, and artist David Hockney — to also reject the awards.

In an initial statement released March 2, the governor's office said that "the state Board of Education action does not represent censorship, far from it. What the board's action does represent is an effort to protect the integrity of an exam that is critical to measuring whether our students are learning the skills they need to compete in the future."

Responding to Walker several days later, however, Wilson seemingly reversed himself. In a letter addressed to the author, he wrote that he did not endorse the decisions, and he appealed to her to reconsider accepting the Governor's Award. In a separate letter to McDowell and Acting Superintendent of Public Instruction William D. Dawson, Wilson wrote: "We must oppose censorship of any kind. It contradicts my personal beliefs and betrays the principles upon which our free society is built. Any hint of biased selection of materials or censorship in the development of a test is intolerable."

Wilson said the initial statement released by his office had been produced by a staff member "in my absence and without my knowledge." But the governor did not specifically criticize any of the three board actions. Wilson also sought to quiet critics in the state Legislature, especially Democrats, who vowed to hold hearings on the controversy.

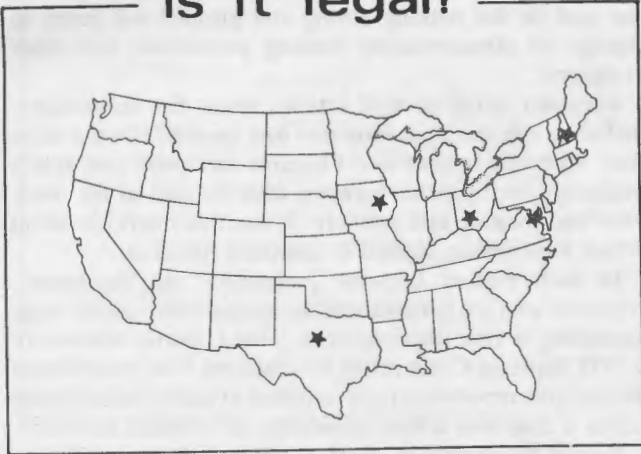
Only weeks from publication, the 1994 test had already passed through a bias review committee of the state Department of Education made up of a diverse group of teachers and had been field-tested at least twice. Yet board members agreed to review the material in December. McDowell and Dronenburg were chosen so that the review could be done secretly. A full board review would have to be done in public session.

Test developers, who had worked for months to prepare the exam, were furious at the removals. "This throws off our whole schedule for preparing tests," said one. "It made us waste hours of work — simply wiped out because one board member thought it was offensive, and the other went along with it."

In addition to restoring the stories to the test pool, the board and Dawson agreed to develop a new system for choosing

(continued on page 101)

is it legal?



television

Washington, D.C.

The two major segments of the television industry drew dramatically different responses February 1 to their strategies to limit violent television programming, with cable executives winning praise for their comprehensive plan and network broadcasters being criticized for not doing enough.

In separate news conferences on Capitol Hill, designed to head off federal legislation that would force them to reduce violent programming, broadcast and cable television companies agreed to form an independent monitoring board to assess and report on the amount of violence in entertainment programming. But cable television went a step further, agreeing to begin rating its programs for violence and endorsing technology that would permit parents to block violent shows from their homes.

Rep. Ed Markey (D-MA), chair of the House telecommunications subcommittee, warned that legislation may still be enacted this year to bring broadcasters in line. "I feel that just having a monitoring group that reports once a year is inadequate to the task," said Markey, who vowed to keep pushing his anti-violence bill to install an electronic chip in new television sets which would allow parents to block out programming with a violent rating.

While critics said such moves could violate the First Amendment, ten or more such pieces of anti-television violence legislation have been drafted.

The purpose of the new monitoring board, according to a CBS statement, is "both to reassure those who are concerned that the networks' progress on violence might only be temporary and to provide useful information for continu-

ing industry-wide self-evaluation. An independent outside expert will be hired to perform the joint assessment."

The cable industry also agreed to set up an independent panel to measure violence in television programming and to issue annual reports to the public on their findings. Officials did not say from what groups panelists would be drawn nor how frequently reports might be issued. Networks do not support the electronic chip or a rating system because they fear advertisers might shy away from programming deemed too violent. Reported in: *Los Angeles Times*, February 2.

universities

Durham, New Hampshire

A professor's suspension for comments he made during a writing class has provoked bitter debate both at the University of New Hampshire and in the Legislature over free speech. The university is struggling to devise a new code to combat verbal harassment on campus, while the Legislature is considering a measure that would prohibit the university from using such a code to restrict speech that is protected by the U.S. or New Hampshire constitutions.

Both the code and the proposed legislation grew out of the case of J. Donald Silva, a tenured professor who taught a technical writing class at the Thompson School of Applied Science at the University. In 1993, a university tribunal found Silva guilty of sexually harassing students verbally in his classroom; he was suspended without pay and ordered to get counseling. Silva refused and filed suit in U.S. District Court in October against the university, seeking reinstatement, \$42,000 in back pay and unspecified damages.

The case divided faculty members, students, legislators and the public over what speech should not be allowed on campus, with much discussion about context, the people to whom the disputed remarks are addressed and a speaker's intention. Silva's suit cites two incidents as the basis for his suspension. In 1992, he told a class that focus in writing could be compared with sex; later that year, he paraphrased the belly dancer Little Egypt, who, he said, had remarked, "Belly dancing is like Jell-o on a plate, with a vibrator under the plate."

In an effort to resolve the issue, the university's Academic Senate met in February to consider new rules on harassment and sent the matter to a special committee. But at a forum on academic freedom and the campus climate just a day later, members of the university's faculty union clashed.

Divisions are also sharp in the State Senate, whose 24 members are almost evenly split on a bill introduced by Sen. Thomas Colantuono (R-Londonderry) with the support of the New Hampshire Civil Liberties Union. Colantuono said he was concerned about the university's effort to expand its existing code beyond sexual harassment to include verbal harassment of homosexuals, members of minorities, military veterans, disabled people, and others.

The proposal, modeled on a 1993 California law, was opposed in hearings by representatives of several colleges who said it would prompt federal suits from students, professors and administrators. The executive director of the state ACLU, Claire Ebel, said enactment would have symbolic value and "send a message that political correctness and political orthodoxy are not New Hampshire's way." Reported in: *New York Times*, February 27.

Fort Worth, Texas

A part-time Tarrant County Junior College student filed suit in federal court January 19 alleging that his free speech and religious rights were violated when college officials insisted he stop distributing a religious pamphlet on the school's South Campus. The suit on behalf of Daniel Lopez was filed in U.S. District Court for the Northern District of Texas by the Rutherford Institute. It asked the court to declare the college's action unconstitutional and to stop the school from interfering with the pamphlet distribution.

College officials said school policy prohibits the distribution of materials by any outside agency, individual, business or organization without prior approval of the dean of students. "We stand by our policy," said director of college relations Bill Lace.

Lopez said the dean offered him three choices: join an existing campus organization, form an organization with a faculty sponsor, or act alone but distribute pamphlets from behind a table at the student center. Lace said the purpose of the policy was not to censor, but to ensure the safety of those who distribute materials. "The college's position is the free exchange of ideas is basic in education. We have no quarrel with that, but you have to have some sort of control," Lace said. Reported in: *Fort Worth Star-Telegram*, January 21.

journalism

Warren, Ohio

A reporter for an Ohio newspaper spent more time in jail than any American reporter in a decade because she refused to testify before a grand jury about an interview she conducted with a county official. Lisa A. Abraham, a reporter for the *Tribune Chronicle* of Warren, Ohio, was charged on January 19 with contempt of court and placed in jail after she said the ethics of journalism prohibited her answering a prosecutor's questions about her reporting.

"I believe reporters should not be used by our society as cops," she said. "If I cooperated, it would shatter the credibility of all reporters. If I cooperated, any sources looking at me — past, present, or future — would wonder, 'Can I trust her?'"

Trumbull County prosecutor Jonathan Rosenbaum said he wanted Abraham to testify before a grand jury about an interview she conducted with James P. Florenzo, the county engineer, who was later accused of abusing his power by

having his office renovated at a cost of \$25,000. Florenzo has said he did nothing wrong and pleaded not guilty to charges of circumventing bidding procedures and other violations.

Abraham wrote several articles about the accusations, including one that said Florenzo had spent \$110 on a toilet seat. Abraham interviewed Florenzo and wrote one article outlining discrepancies between what he said in the interview and what he said publicly. It was that interview about which Rosenbaum wanted to question Abraham.

In such clashes between journalists and the courts, reporters who are not protected by special state statutes must capitulate or risk imprisonment. That is partly because of a 1972 Supreme Court ruling that said the First Amendment did not give reporters a right to refuse to testify before grand juries if they had actual knowledge of criminal activities.

Special shield laws in 29 states and the District of Columbia provide some exceptions. But the laws vary widely. The law in Ohio gives reporters only the right to protect confidential sources, and Abraham's reporting in her interview did not involve a confidential source. Reported in: *New York Times*, February 9.

obscurity

Des Moines, Iowa

In what was believed to be the first case of its kind in the state and one of the first in the country, the operator of a Des Moines computer bulletin board was charged February 24 with disseminating obscenity to minors.

Investigators with the Iowa Child Exploitation/Pornography Task Force said Michael Kirkpatrick operated a bulletin board known as Mr. Wizard's Magic Shop. Besides other material, the board contained coded photos depicting sexual intercourse and other sexually related images.

"We got complaints from several parents that this was coming into their house and they didn't know it," said investigator Paul Houston. "The computer images are easily transferable between the bulletin board system and computers that these kids have."

Kirkpatrick's crime, investigators said, was not possessing pornography, but knowingly giving minors access to it. Reported in: *Des Moines Register*, February 25. □

success stories



libraries

Anchorage, Alaska

The controversial book *Asking About Sex and Growing Up*, by Joanna Cole, will remain in Anchorage School District elementary school libraries, in spite of calls by parents and a campaign by a local church for its removal. The school board voted 5-2 January 10 to retain the book despite complaints that it is inappropriate for elementary school children and teaches values opposed to those of the majority of parents.

Three months earlier, Jeffrey Beatty, the father of a student at Aurora Elementary School, objected to the book because it was "far too advanced and inappropriate." He voiced specific concerns about several sections, including one entitled "Touching Feels Good," which he said gives instructions on how to masturbate.

In the days before the vote, a church sent out 17,000 fliers that said the book contained objectionable illustrations and encouraged inappropriate sexual experimentation. In two meetings devoted almost entirely to the issue, however, the board turned down attempts to remove the book and, failing that, to require parental permission slips for its use. Reported in: *Chugiak-Eagle River Star*, January 15, February 2, 12; *Anchorage Daily News*, February 2.

Evergreen, Colorado

After a long and complicated battle, 42 books removed from the Wilmot Elementary School Media Center by Principal Larry Fayer November 18 were returned to the shelves

in March. Fayer ordered the removal of all books and fourteen issues of *Teen* magazine from a newly established Young Adult section for fifth- and sixth-graders after receiving complaints from and meeting with ten parents who objected to foul language and violence in a half dozen titles.

The removal was appealed in February by Wilmot librarian Thresa Marsh. While the appeal was under consideration, however, Fayer agreed to place the books on display for parental inspection and to return those to which no objections were made. On March 7, Fayer announced that all but eleven books and the issues of *Teen* would be returned to the shelves, since these had been challenged by parents. But when the parents were informed that their challenges would be made public, the challenges were withdrawn, and all the materials returned to the Young Adult section.

The eleven books briefly challenged by the parents were *The Hitchhiker*, *Hit and Run*, *The Babysitter* and *Fear Street Missing*, by R. L. Stine; *Devil's Race*, by Avi; *That Was Then, This is Now*, by S.E. Hinton; *Mom, the Wolfman and Me*, by Norma Klein; *The Ghostway*, *Coyote Waits*, and *People of Darkness*, by Tony Hillerman; and *Jurassic Park*, by Michael Crichton.

The other books initially pulled by Fayer were: *The Letter*, *The Witch and the Ring*, by John Bellairs; *Too Hot to Handle* and *The Submarine Pitch*, by Matt Christopher; *Phone Call From a Ghost*, by Daniel Cohen; *The Dark is Rising*, by Susan Cooper; *I Am the Cheese*, by Robert Cormier; *Stranger With My Face*, *Down a Dark Hall*, and *Don't Look Behind You*, by Lois Duncan; *Soccer Duel*, by Thomas J. Dygard; *Sweet Whispers*, *Brother Rush*, by Virginia Hamilton; *Up a Road Slowly* and *The Lottery Rose*, by Irene Hunt; *Silver*, by Norma Fox Mazer; *Hugh Glass*, *Mountain Man Left for Dead*, by Robert McClung; *A Candidate for Murder*, *High Trail to Danger* and *The Dark and Deadly Pool*, by Joan Lowery Nixon; *Z for Zachariah*, by Robert C. O'Brien; *Be the Judge*, *Be the Jury*, by Doreen Rappaport; *Who Put That Hair in My Toothbrush?* and *There's a Girl in My Hammerlock*, by Jerry Spinelli; *The Hobbit* and the *Lord of the Rings* trilogy, by J.R.R. Tolkien; *Trapped in Death Cave*, by Bill Wallace; *The Devil's Arithmetic*, by Jane Yolen; and *The Pigman and Me*, by Paul Zindel.

On March 14, the review committee considered Marsh's appeal, concluding that the librarian had followed board policy on book selection and that Fayer had followed proper procedures in removing the books while they were being challenged. No further challenges were pending. Reported in: *Rocky Mountain News*, February 5, 16, 19; *Canyon Courier*, February 2, 23, March 9, 16; *Denver Post*, February 16, 19, and March 5.

Pocatello, Idaho

Facing a second book challenge in as many months (see *Newsletter*, March 1994, p. 69), the Pocatello Library Board

refused January 18 to remove from its shelves or label a book because it contained a four-letter obscenity. The book, *Why Do We Gotta Do This Stuff, Mr. Nehring*, chronicles a day in the life of its author, high school teacher James Nehring. A library patron complained about the book, suggesting that if it could not be removed, a warning label should be placed on its cover.

Board member Bette Cagen said labeling books would be "time consuming and a nightmare. If we pulled all the books off the shelves because of that one word, we'd be talking about two-thirds of the books" in the adult section, she said. Reported in: *Idaho State Journal*, January 19.

Skowhegan, Maine

A mother who filed a written complaint about a library book she believed inappropriate for 11-year-olds decided not to pursue the matter. Ila Libby sought to have *Matilda*, by Roald Dahl, removed from the Margaret Chase Smith School library, but later amended the request, asking instead that a warning label be attached to its cover.

"I just couldn't believe what this book was all about," Libby said. "It was so negative."

After meeting with the school's principal and librarian, however, Libby said she came to understand that such an action would also amount to censorship. She agreed not to pursue the matter, after school officials agreed that teachers would use the book as a learning tool to discuss issues such as abuse.

"Sometimes wisdom is knowing when to quit," Libby said. "I don't have the money to go to court over this type of thing. They pretty well made it known to me that the book is a matter of opinion and the way the American system is set up, it's almost like you can't do anything about it." Reported in: *Central Maine Morning Sentinel*, January 12, 26.

Martha's Vineyard, Massachusetts

Acting over the objections of a few, but with the ringing support of many, a special committee charged with reviewing library selections voted unanimously in mid-January to keep two books in the Oak Bluffs school library. The books — *Heather Has Two Mommies*, by Leslea Newman, and *How Would You Feel If Your Dad Was Gay*, by Ann Heron and Meredith Maran — became the focus of controversy after two fathers objected to their presence in the school library.

"I believe that what people read is important — ideas can be dangerous, but suppression of ideas is fatal to a democratic society," said school librarian Jan Buhrman-Osnoss at a public forum on the issue sponsored by the selection review committee and attended by about sixty people.

"We as educators are in the business of providing information, not keeping information from children. I support the presence of the two books in the library; I feel they adhere to our criteria for selection and show one of our strengths,

which is our willingness to affirm the diversity of our school, of the population of Oak Bluffs and the community of the Vineyard," said school principal Geraldine Moriarty.

"The subject matter [in the two books] is obscene and vulgar and the message is that homosexuality is okay," countered parent Kevin Keaney, who led the protest against the books. "It openly flaunts homosexuality and homosexual lifestyles. Should we risk exposing our children to ideas that have not been proven to be wholesome? These books promote a lifestyle which violates sodomy laws — homosexuality is illegal."

But those objecting to the books were clearly outnumbered by those who came to the forum to defend their availability. "I respect the rights of these gentlemen to request to have these books removed, and similarly I hope that they would respect my right to request to have my child exposed to them," said Ron Mechur.

"I have heard a lot about laws and the Constitution, but I haven't heard any mention of the First Amendment," added David Wilson, a former teacher at the school.

In the end, the selection review committee, which included two teachers, a parent, the school principal, the school librarian, and a seventh grade student, voted openly and unanimously to keep the books. The vote was followed by sustained applause by those in attendance. Reported in: *Vineyard Gazette*, January 14.

Prince William County, Virginia

The Prince William County Library Board of Trustees voted 8-2 after spirited and sometimes acrimonious debate February 24 to accept the *Washington Blade*, a weekly newspaper for homosexuals, into the county's libraries. Opponents of the periodical told the board that banning the *Blade* would not be censorship because homosexuality is illegal and unhealthy.

Last year, a similar controversy over free distribution of the *Blade* engulfed neighboring Fairfax County, which refused to remove the publication (see *Newsletter*, July 1993, pp. 101-02; January 1994, p. 7). The periodical is not distributed in Prince William County. The issue there was whether or not the library should subscribe to the publication for its periodical collection.

Library director Richard W. Murphy urged the trustees to accept the *Blade*. He said that his recommendation to the board last summer to reject a request to stock two controversial gay children's books — *Heather Has Two Mommies* and *Daddy's Roommate* — had been based on their failure to meet the library's selection criteria. Reported in: *Washington Times*, February 23, 25.

Waupaca, Wisconsin

A Day No Pigs Would Die, by Robert Newton Peck, will remain on the shelves of Waupaca school libraries, the Waupaca Board of Education decided February 8. The board followed the unanimous recommendation of a review com-

mittee, which considered an appeal by parent Larry Liebe. Liebe objected to graphic passages dealing with sexuality in the book. Although several board members voiced reservations about the book, the majority supported its retention. Reported in: *Waupaca County Post*, February 10.

schools

Simi Valley, California

After an emotionally charged hearing spanning more than five hours, the Moorpark school board on January 26 rejected an appeal by one of its members to remove *The Clan of the Cave Bear* and other novels by Jean Auel from a high school reading list. Board member Tom Baldwin had fought for more than a year to have four Auel novels removed from a recommended eleventh-grade reading list because of concerns the books contain graphic sexual content inappropriate for minors (see *Newsletter*, January 1994, p. 14; March 1994, p. 70).

"Just because something finds its way into print and becomes a best seller does not automatically cloak that book under the mantle of literature," Baldwin said. "In the case of these books, a big mistake has been made and I hope we correct it."

But Baldwin's colleagues strongly disagreed, as did the majority of those who attended the meeting. "Our desire to shield children from the knowledge of sex is a doomed cause; our desire to keep them ignorant is futile," said Victoria Buckley, a Moorpark High School English teacher.

Baldwin's complaint had already failed to win support with separate high school and district advisory committees and with district administrators. The specific targets of his complaint were *Clan of the Cave Bear*, *The Valley of Horses*, *The Mammoth Hunters*, and *Plains of Passage*. Language arts chair Peggy Blakelock noted that California state educational guidelines advocate use of *Clan of the Cave Bear* as early as ninth grade.

The board voted 4-1 to retain the books, with Baldwin the only dissenter. The board also agreed to provide parents with a synopsis of every book on the 182-title recommended list and to include an advisory message alerting parents that some of the novels may include adult material. Reported in: *Los Angeles Times*, January 27.

South Bend, Indiana

Two protesting mothers pulled their daughters out of health classes after the Argos Community School Board voted 4-0 January 18 to continue using a controversial new textbook. The women had charged that *Perspectives on Health: Human Sexuality* is too explicit and sends mixed messages about abstinence. They also objected to treatment of abortion and homosexuality.

Delores Cripe and Mary Wilhelm said they would not allow their daughters to take the seven-week course. "We feel it's very necessary to teach sex education, but we're against this textbook," said Wilhelm, a registered nurse. Reported in: *Bloomington Herald-Times*, January 21; *Plymouth Pilot-News*, January 13, 15.

Beavercreek, Ohio

The Veldt, a science fiction short story that became a center of controversy in the Beavercreek schools, will continue to be used in the elementary school curriculum. The Beavercreek Board of Education voted unanimously February 10 to keep the Ray Bradbury story, ending a ten-month debate.

The story, which is part of the Junior Great Books program, is about two children whose parents give them a special technological nursery. The children create a grassy plain with lions and at the end, lock their parents in the room with the animals. Some sixth-grade classes at E.G. Shaw Elementary School used the story. Karen Lentz, whose two sons attended the school, started questioning its use in April, 1993. She said the story "instills the idea in a child's mind to kill their parents if they don't like what or who their parents are."

By June, Lentz had filed a request that the story be reconsidered. A committee reviewed it and Principal Steve Ferguson accepted the recommendation that the story be kept in the curriculum. Lentz appealed to the school board. Reported in: *Dayton Daily News*, February 10, 11.

Independence, Oregon

The show must go on, the Central School Board declared February 7. After 2½ hours of discussion, the board voted 7-0 to endorse a review committee decision permitting a middle school production of *We're All in This Together*, a theatrical series of monologues about the issues teenagers face.

Some parents had objected to the play as "vile, immoral and distinctly decadent." But others responded that it was "an honest attempt" to face "uncomfortable issues" that students deal with every day.

Drama director Ed Penna, who chose the play, said he was gratified by the board's action. "I feel great that the play has brought the community together this way. I feel everybody spoke from their hearts. I wish everybody could see it. I hope the kids come with their parents."

Although the review committee had recommended that the play be produced "without restrictions," at the suggestion of Superintendent John Cracon the board mandated that the play only be shown in the evening, to give more opportunity for parents to see it with their children. Reported in: *Dallas Itemizer-Observer*, February 9.

Lewisville, Texas

After listening to twenty-four students, teachers and other residents March 1, the Lewisville school board voted 4-0

to keep *The Adventures of Huckleberry Finn*, by Mark Twain, on high school reading lists. Lewisville High School junior Martin Simmons had appealed to the school board because he found the book's use of the word "nigger" offensive and its dialect degrading to blacks.

Although they voted to keep the book, board members adopted guidelines to establish a multiracial book selection committee and a high school elective class covering multicultural issues and history. Schools also will send home lists of books each teacher has chosen before students enroll in a class, and the reading lists will be expanded to include works from other cultures. Reported in: *Denton Record-Chronicle*, March 2.

New Richmond, Wisconsin

New Richmond High School students can continue to read *Catcher in the Rye*, by J.D. Salinger, in some English classes, a school district committee ruled in February. The perennially controversial novel was threatened last November when a series of letters in the local newspaper resulted in a formal challenge to the book's use in eleventh-grade English classes.

"After reading many reputable reviews, the committee believes that the evidence attesting to Salinger's competence and his novel's quality far outweighs any evidence to the contrary," the committee wrote in a report accepted by the school board. The committee said the book fit the district's criteria of being "by competent and qualified authors" and fostering understanding and respect for women, minority and ethnic groups. Reported in: *New Richmond News*, February 24.

student press

Miami, Florida

After listening to impassioned pleas from student journalists, the Dade County School Board on February 2 voted to retain the district's "hands-off" policy on student publications. The vote was cheered by more than a hundred student journalists from eight high schools who attended the meeting, picketing outside beforehand chanting: "No prior review!"

In December, two students at Norland High School wrote Dade Schools Superintendent Octavio Visiedo to complain that their paper was being censored by the principal. Dade's guidelines on student publications prohibit any prior restraint. Visiedo said the controversy occurred because the principal was not sure of his responsibilities. The Superintendent told the board he would form a task force to review the policy and recommend changes, but board member Michael Krop moved to keep the current policy. Fellow board member Janet McAhley agreed, adding that "parts of the policy need to be clarified, not to weaken it, but to strengthen it." Reported in: *Miami Herald*, February 3.

Durham, North Carolina

The Durham County School Board voted January 25 to overturn a local high school administration's decision to censor an article in the school newspaper. "The decision was to go against the recommendation of the superintendent," said board member Beverly Jones. "We feel there would be no disruption to the normal school process. I'm hoping that the article will be positive."

In November, Jordan High School Principal Harold Rogers and County School Superintendent C. Owen Phillips forbade the *Falcon Cry* to print the names of eight students who underwent a five-day suspension for drinking on a school outing in September. Rogers said he feared publication of the names would cause disruptions in the classrooms and invade student privacy.

The *Falcon City* staff appealed to Superintendent Phillips, who ruled that the paper could publish the names of two students who were willing to speak publicly about the trip, but not the other six students involved. The student journalists then appealed to the school board, which decided that the paper could print all eight names.

Phillips said he thought the appeals process had been beneficial. "Everyone learned from the process, including the students," he said. "This is the democratic process in action." Reported in: *Daily Tar Heel* (Univ. of N. Carolina, Chapel Hill), January 28.

theater

Lancaster, Pennsylvania

Lancaster County's three commissioners on March 1 voted unanimously to release the remaining \$11,000 allocated to the Fulton Opera House's traveling theater production for children, *A Thousand Cranes*. The grant had been frozen while the script of the play about a young victim of the atomic bombing of Hiroshima was reviewed by the commissioners after it was suggested it might be "anti-American."

A city resident had raised the questions in a letter to the commissioners. Roger Alexander claimed that Eleanor Coerr, author of the book *Sadako and the Thousand Paper Cranes*, upon which Kathryn Schultz Miller's play is based, "is of the type that doesn't like America."

Commissioner James E. Hujber at the time said that after reading the book and the play he did sense "anti-American tones." He said he would contact school principals and teachers to see what their opinions were.

Commissioner Terry Kauffman said the three commissioners had researched, read and listened to concerns relevant to the production. He said they received petitions with over a hundred names, about fifty letters, and a hundred phone messages. "Of that total, there were five phone comments and one letter opposed to the play," he said. Reported in: *Lancaster Intelligencer Journal*, March 2.

photography

Beaumont, Texas

A student at Lamar University who complained of censorship after he was asked to remove photographs that some on the campus found offensive was allowed to display the pictures again in March. The photos, which had been hanging in a library entrance, were taken by Tracy Silverberg. They pictured men dressed in women's clothing. Some staff members and students complained about the photos and the art department asked Silverberg to remove them. He did, but complained to the ACLU, and the department decided he could post the photos. "I expected some people to get a little excited," Silverberg said, "but nothing like this." Reported in: *Chronicle of Higher Education*, February 23. □

(California test . . . from page 94)

works and handling complaints about them to avoid future accusations of censorship. Dawson suggested that a new arrangement might include less stringent test secrecy rules than those previously in effect. He noted the ease with which religious conservatives were able to get "Roselily" pulled from the test simply by passing it to a news reporter who published excerpts in a Riverside newspaper last October. That action, he said, had compelled acquiescence in the demand for removal since it had compromised the secrecy of the test materials.

The board's reversal was hailed by teachers, civil liberties groups and supporters of the new test, who had packed the hearing room at school board headquarters. "I think it's wonderful news," said Mae Gundlach, the state Department of Education's liaison to the California Association of Teachers of English. "The removal seemed to be an arbitrary decision, rather than a well thought out process."

But religious conservatives predictably denounced the reversal, vowing to continue their efforts. "We'll be here every month and make sure that religiously offensive works and those promoting animal rights will not be included in the test," said the Rev. Lou Sheldon, president of the Traditional Values Coalition.

"I was pleased that they reversed themselves, but I still want to get to the bottom of what's going on here," commented state Assembly member Delaine Eastin (D-Union City), a candidate for state superintendent of schools. "What strikes me is how abruptly the works were removed and how abruptly they were returned." Eastin said that despite the reversal, she would still hold a public hearing on the issue. Reported in: *San Francisco Chronicle*, February 19, 23, 26, March 8, 12; *Los Angeles Times*, February 26, March 11; *Long Beach Press-Telegram*, March 3; *Asian Week*, March 11; *ABA Newswire*, March 21. □

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THE

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TO

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intellectual freedom bibliography

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