

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



Editor: Judith F. Krug, Director  
Office for Intellectual Freedom, American Library Association  
Associate Editor: Henry F. Reichman

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## fending off censorship pressures

*Following are edited texts of remarks presented by Robert Boston, Assistant Director of Communications of Americans United for Separation of Church and State; Susan Glickman, Florida Field Coordinator for People for the American Way; and Candace Morgan, Chair of the ALA Intellectual Freedom Committee and Deputy Director of Community Library Services at the Fort Vancouver (WA) Regional Library. The speeches were given at a program at ALA's 1994 Annual Conference in Miami Beach entitled "Keeping Out of Mischief: Fending off Censorship Pressures," cosponsored by the ALA Intellectual Freedom Round Table, Intellectual Freedom Committee, and Intellectual Freedom Committees of the American Association of School Librarians, the American Library Trustees Association, the Association of Library Service to Children, the Library Administration and Management Association, the Public Library Association, and the Young Adult Services Association. Mr. Boston, Ms. Glickman, and Ms. Morgan were asked to address tactics used by pressure groups against schools and libraries, and strategies librarians can use to combat censorship.*

*Their remarks were preceded by a brief appearance by Gail and Diva Zappa, widow and daughter of Frank Zappa, who presented remembrances of Zappa's life-long anti-censorship activities and tips from their perspective for combatting censorship.*

### remarks by Robert Boston

In 1953, Mrs. Thomas J. White, a member of the Indiana State Textbook Commission, demanded that the story of Robin Hood be removed from all textbooks and libraries in the state. Mrs. White was convinced that Robin Hood promoted communism. After all, Robin Hood took from the rich and gave to the poor. She stood before reporters and with a straight face declared: "There is a Communist directive in education now to stress the story of Robin Hood. They want to stress it because he robbed the rich and gave to the poor. That's the Communist line."

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

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## IFC report to ALA Council

*The following is the text of the Intellectual Freedom Committee's report to the ALA Council, delivered on June 29 at the 1994 Annual Conference in Miami Beach, by Chair Candace D. Morgan.*

As Chair of the Intellectual Freedom Committee (IFC), it is my pleasure to report to Council on the activities of the Committee at this Annual Conference. In addition to responding to Council directives, the IFC is dealing with the on-going and burgeoning challenges to library materials, intensified pressure group activity, and intellectual freedom issues relating to the National Information Infrastructure.

I will first respond to Council directives on matters referred to the IFC; next, I will present IFC Action Items; finally, I will refer to information items.

### Response to Council Directives

At the 1994 Midwinter Meeting, Council referred to the IFC a resolution relating to a Benedikt Taschen advertisement that appeared in *Publishers Weekly*. Some ALA members were offended by the advertisement, which depicted a clothed man, a nude woman and the words "luxury for less." The basic issues presented were: whether ALA, with its long standing policies of support for women's equality and rights, should adopt a resolution objecting to the ad as demeaning to women or whether such a statement would violate ALA's intellectual freedom policies, which generally support a publisher's right to publish what it chooses.

The Intellectual Freedom Committee recommends that Council not pass a resolution objecting to the exercise of freedom of the press by *Publisher's Weekly*. To do so would send the message that the library profession supports the right of offensive speech to exist in the marketplace unless that speech is offensive to librarians.

### Action Items

*Rescinding the Interpretation of the Library Bill of Rights entitled "Administrative Policies and Procedures Affecting Access to Library Materials."*

As I reported to you at our Midwinter Meeting, the Interpretation of the *Library Bill of Rights* entitled "Administrative Policies and Procedures Affecting Access to Library Materials" contains outdated language. After the IFC made several attempts to revise the document in the format of an Interpretation, it became clear that this subject would best be treated in a document framed as guidelines.

At the Midwinter Meeting, the IFC approved a draft of a document entitled "Guidelines for the Development of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities." The draft was circulated to ALA units for comment follow-

ing the Midwinter Meeting. It also was posted for comment on the OIF listserv.

The Committee has revised and renamed the document in light of the excellent comment received. We have adopted what is now entitled "Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities" (copy follows).

The Intellectual Freedom Committee recommends that Council rescind Policy 53.1.11, "Regulations and Procedures Affecting Access to Library Materials, Services, and Facilities, An Interpretation of the *Library Bill of Rights*."

### Information Items

#### *Parental Responsibility and Library Policy*

The Committee continued its discussion of pressures on libraries to institute policies and procedures that restrict minors' access to the library in order to assist parents in guiding their children's reading. Libraries across the country are receiving requests to institute systems of restricted cards or other systems that deny access at the circulation desk to parts of the library's collection. All of these measures place librarians in the position of surrogate parents.

In some states, pressure groups have been active in asserting that state law either permits or even mandates that parents be allowed to view their own children's circulation records.

The Committee has discussed this issue with representatives from the ALA youth divisions. We are in agreement that the public awareness campaign and leadership training currently in development both need to include an emphasis on minors' rights to private and unrestricted access to library collections, while at the same time suggesting ways that parents can use the expertise of library staff and the diversity of our collections to assist them in providing guidance for their own children.

#### *Principles for the Development of the National Information Infrastructure*

At the Midwinter Meeting, the IFC endorsed in principle, but with some grave reservations, the document entitled Principles for the Development of the National Information Infrastructure (NII). The IFC continues to be concerned that, in presenting ALA's position on the NII in Washington, our organization's representatives stress our commitment to free and unrestricted access to information and our strong belief that a public forum has been established *de facto* on the Internet and should be preserved. The IFC is particularly concerned about the potential for creating an information "have" and "have not" society, but is heartened at the Clinton administration's apparent recognition of the necessity of involving libraries

in the development of NII, and of making information accessible electronically at reasonable cost to libraries so they may, in turn, make information available free of cost to their users.

#### **The Library Bill of Rights and Access to Electronic Information**

Various organizations are formulating and proposing policies and documents in the area of access to information via electronic means. IFC continues to review and discuss these various proposals. We have concluded that if ALA's longstanding policies of intellectual freedom are to be used effectively for presenting the library point of view, we must develop an Interpretation of the *Library Bill of Rights* on access to electronic information.

A subcommittee of the IFC has begun work on an interpretation. However, there are so many complex issues involved, we need additional information and input from ALA members and units. To assist us in developing a draft Interpretation, we will schedule a hearing at Midwinter.

#### **Anti-Gay Initiatives**

The opponents of civil rights for gays and lesbians continue their efforts in as many as eleven western states. At the 1993 Midwinter Meeting in Denver, this Council adopted a resolution intended to be generic in effect for immediate use by free speech and civil rights organizations in states where such anti-gay initiatives crop up. The document has been useful in that regard in several states.

Proponents of ballot measures that specifically require public libraries to limit their collections and restrict access for children are in the signature gathering stage in Idaho, Oregon and Washington. The IFC and OIF are continuing to work with state library associations to ensure public awareness of the potential impact of such repressive legislation on access to information from all points of view, including information about gay lifestyles or homosexuality.

#### **Public Awareness Campaign on Threats to Freedom of Speech**

The IFC continues to work on ways to respond proactively to increasing threats to the freedom of speech. As I reported to you at Midwinter, this campaign has two major elements: public education and education for librarians.

#### **Public Education**

The IFC and the Freedom to Read Foundation continue to work on a plan to develop "op-ed" pieces on intellectual freedom to be distributed to newspapers in small and medium-sized communities. We plan to begin this "First Freedom Op-Ed Service" immediately after the 1995 Midwinter Meeting.

#### **Educational Programming**

In November, the IFC's long-awaited Leadership Development Institute will become a reality. A program enhancement will partially fund this three-day event, which, hopefully, will be attended by representatives from every state. Attendees will commit to presenting additional workshops in their state and to assisting in the development of ten regional follow up workshops which will train hundreds of additional librarians in the tactics and strategies needed to combat organized pressure group attacks on intellectual freedom.

Entitled "Energize, Strategize, Mobilize," the Institute will provide a basic grounding in intellectual freedom principles, strategies and tactics for building community support, and techniques for fending off censorship pressures and for communicating with the public and the press when controversy arises. We are extremely excited about the Leadership Development Institute, and look forward to the prototype program that will launch a national on-going training program for librarians to anticipate, meet and overcome threats to intellectual freedom. □

## **Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities**

### **INTRODUCTION**

Publicly supported libraries exist within the context of a body of law derived from the United States Constitution and appropriate state constitutions, defined by statute, and implemented by regulations, policies and procedures established by their governing bodies and administrations. These regulations, policies and procedures establish the mission of the library, define its functions, services and operations and ascertain the rights and responsibilities of the clientele served by the library.

Publicly supported library service is based upon the First Amendment right of free expression. The publicly supported library provides free and equal access to information for all people of the community it serves. Thus, publicly supported libraries are governmental agencies designated as limited public forums for access to information. Libraries that make meeting rooms, exhibit spaces and/or bulletin boards available for public use are also designated as limited public forums for the exchange of information.

Many libraries adopt administrative policies and procedures regulating the organization and use of library materials, services and facilities. These policies and procedures affect access and many have the effect of restrict-

ing, denying or creating barriers to access to the library as a public forum, including the library's resources, facilities and services. Library policies and procedures that impinge upon First Amendment rights are subject to a higher standard of review than may be required in the policies of other public services and facilities.

Policies, procedures or regulations that may result in denying, restricting or creating physical or economic barriers to access to the library's public forum must be based on a compelling government interest. However, library governing authorities may place reasonable and narrowly drawn restrictions on the time, place or manner of access to library resources, services or facilities, provided that such restrictions are not based upon arbitrary distinctions between individuals or classes of individuals.

The American Library Association has adopted the *Library Bill of Rights* and Interpretations of the *Library Bill of Rights* to provide library governing authorities, librarians and other library staff and library users with guidelines on how constitutional principles apply to libraries in the United States of America.

The American Library Association's Intellectual Freedom Committee recommends that publicly supported libraries use the following guidelines, based on constitutional principles, to develop policies, regulations and procedures.

#### GUIDELINES

All library policies, regulations and procedures should be carefully examined to determine if they may result in denying, restricting or creating barriers to access. If they may result in such restrictions, they:

1. should be developed and implemented within the legal framework that applies to the library. This includes: the United States Constitution, including the First and Fourteenth Amendments, due process and equal treatment under the law; the applicable state constitution; federal and state civil rights legislation; all other applicable federal, state and local legislation; and applicable case law;

2. should cite statutes or ordinances upon which the authority to make that policy is based, when appropriate;

3. should be developed and implemented within the framework of the *Library Bill of Rights* and its Interpretations;

4. should be based upon the library's mission and objectives;

5. should only impose restrictions on the access to, or use of library resources, services or facilities when those restrictions are necessary to achieve the library's mission and objectives;

6. should narrowly tailor prohibitions or restrictions, in the rare instances when they are required, so they are not more restrictive than needed to serve their objectives;

7. should attempt to balance competing interests and

avoid favoring the majority at the expense of individual rights, or allowing individual users' rights to interfere materially with the majority's rights to free and equal access to library resources, services and facilities;

8. should avoid arbitrary distinctions between individuals or classes of users, and should not have the effect of denying or abridging a person's right to use library resources, services or facilities based upon arbitrary distinctions such as origin, age, background or views;

In the *Library Bill of Rights* and all of its Interpretations, it is intended that: "origin" encompasses all the characteristics of individuals that are inherent in the circumstances of their birth; "age" encompasses all the characteristics of individuals that are inherent in their levels of development and maturity; "background" encompasses all the characteristics of individuals that are a result of their life experiences; and "views" encompasses all the opinions and beliefs held and expressed by individuals;

9. should not target specific users or groups of users based upon an assumption or expectation that such users might engage in behavior that will materially interfere with the achievement of substantial library objectives;

10. must be clearly stated so that a reasonably intelligent person will have fair warning of what is expected;

11. must provide a means of appeal;

12. must be reviewed regularly by the library's governing authority and by its legal counsel.

13. must be communicated clearly and made available in an effective manner to all library users;

14. must be enforced evenhandedly, and not in a manner intended to benefit or disfavor any person or group in an arbitrary or capricious manner;

Libraries should develop an ongoing staff training program designed to foster the understanding of the legal framework and principles underlying library policies and to assist staff in gaining the skill and ability to respond to potentially difficult circumstances in a timely, direct and open manner. This program should include training to develop empathy and understanding of the social and economic problems of some library users;

15. should, if reasonably possible, provide adequate alternative means of access to information for those whose behavior results in the denial or restriction of access to any library resource, service or facility.

Adopted by the ALA Intellectual Freedom Committee  
June 28, 1994. □

## FTRF report to ALA Council

*The following is the text of the Freedom to Read Foundation's report to the ALA Council, delivered June 28, 1994, at the ALA Annual Conference in Miami Beach, by President Gordon M. Conable.*

As President of the Freedom to Read Foundation, I am pleased to report to the Council on the Foundation's activities at this Annual Conference.

### New Cases

In an important new case, the Foundation voted to file an *amicus* brief with the Association of American Publishers in *National Treasury Employees Union v. United States*, to which the U.S. Supreme Court recently granted *certiorari*. The case involves a challenge to the ban on honoraria for federal employees for speeches and articles which are unrelated to their government job. The case will be one of very few which has addressed how financial burdens, as opposed to outright bans, nonetheless infringe upon First Amendment freedoms. The case has immediate repercussions for many members of the library profession, particularly, of course, those employed in the federal system.

Many of you, especially those who work in schools, have expressed concern over the firing of library aide Debbie Denzer of Kallispell, Montana. Ms. Denzer was fired because, in response to two students' information request, she provided the students with two books on witchcraft from her personal library. The practice of teachers and school library employees providing, at personal express, supplementary, or often basic and essential, materials for student use is an extraordinarily common one. Ms. Denzer's case, therefore, is one of great interest to the school community. The ACLU has filed a lawsuit on Ms. Denzer's behalf. The Montana Library Association expressed its support for Ms. Denzer by designating her the recipient of its intellectual freedom award. I am pleased to announce that the Foundation has voted a grant of \$2500 toward the conduct of Ms. Denzer's legal case, and has reserved the option to participate with an *amicus* brief when and if appropriate.

The Foundation added its name to a brief in *X-citement Video, Inc. and Rubin Gottesman v. United States*, which involves an interpretation of section 2252 of the United States code. That statute makes illegal the "knowing" receipt, distribution or reproduction of visual depictions of child pornography. Unfortunately, it does not specify the level of knowledge required. The brief asks the Court to interpret the statute to require actual knowledge that models depicted are minors. The Foundation joined the brief because the issue of knowledge is extremely important to librarians. The potential for criminal liability absent the requirement of actual knowledge would obviously

create a profound chilling effect on the distribution of constitutionally protected works.

The Oregon Citizen's Alliance continues its crusade to place on the ballot in that state an initiative which would prohibit the state from "endorsing" or "advocating" homosexuality, and from using public funds to depict homosexuality in any way which would be construed as anything but condemning. In addition, the measure would prohibit libraries from collecting any materials on homosexuality written for children, and restrict all other information on the subject to adult access only. A lawsuit, *Lowe v. Keisling*, has been filed, alleging that the ballot measure is formally flawed and thus not permissibly added to the ballot, and that it is substantively unconstitutional. The Foundation directed its legal counsel to review all the pleadings and opinions in the case, which is now pending before the Oregon Court of Appeals, and advise the Board on how the case may impact the issues of specific concern to libraries. The Board authorized its Executive Committee to take appropriate action to defend the rights of librarians, libraries and library users based upon counsel's advice.

### Old Cases

A complaint has been filed on behalf of the students of the Olathe, Kansas, high school in connection with the removal of *Annie On My Mind* from the high school library. Freedom to Read Foundation counsel Bruce Ennis discussed the issues with and offered his expertise and assistance to the local ACLU affiliate which filed the suit. The Foundation hopes to have an opportunity to participate more directly in the form of filing briefs, etc., at some future date. In the meantime, we are watching this case closely, as it touches upon the very timely issue of the rights of students to have access to materials which deal with the subject of homosexuality.

We are still awaiting a decision in the latest round in the long, drawn out saga of *ALA v. Reno*, the continuation of ALA's and its co-plaintiffs' challenge to overbroad federal legislation which purports to regulate the distribution of child pornography, but, in fact, affects constitutionally protected, non-obscene, nude images of adults.

The waiting is over, however - for this round, at least - in *United States v. Knox*. On June 9, the U.S. Court of Appeals for the Third Circuit again held that a federal child pornography law also encompassed depictions of minors who are fully clothed. The case has been appealed to the United States Supreme Court, but the government changed its position and requested a remand, saying that the Third Circuit's original reading of the statute was overbroad. The case went back to the Third Circuit for a ruling in light of the government's new stance, and that court reaffirmed its original determination. The inter-

pretation could affect a very broad array of constitutionally protected library materials.

The good news is that the 9th Circuit Court of Appeals, after a long wait, issued an opinion affirming that the Woodland, CA, school district may use the *Impressions* reading series and that use of the series *does not* violate the principles of separation of church and state. Parents had challenged the series on the grounds that it allegedly endorsed or taught the religion of witchcraft in the public schools. The Seventh Circuit Court of Appeals also recently upheld schools' rights to use the series.

#### **Roll of Honor Award**

The Foundation was extremely proud and honored to present its Roll of Honor Awards to Frank Zappa, posthumously, and to the partnership of the Juneau, Alaska, school board, superintendent and school librarians. As you all know, Frank Zappa, who died last December, had an unswerving commitment to freedom of expression and a unique ability to isolate the absurdities of censorship. We were delighted that Gail and Diva Zappa were able to attend the Conference to receive the award on his behalf. We also are extremely grateful that the Zappa family has designated the Freedom to Read Foundation, as well as the American Library Association's Office for Intellectual Freedom, as among the organizations which may receive contributions in Zappa's memory.

The partnership of the Juneau, Alaska, school board, superintendent and school library media specialists was recognized for their unified and successful efforts to defend *Daddy's Roommate* in their school library collections. The extraordinary teamwork demonstrated by this partnership was instrumental in the successful retention of the book. We heartily congratulate the Juneau school system.

#### **Independent Charities of America**

We are pleased to announce that the Foundation has been accepted as a participant in the Independent Charities of America, a workplace giving program. Federal employees will have the opportunity to give to the Foundation, under the heading of civil and human rights organizations, in an on-going workplace campaign. We are excited about this new opportunity to receive contributions from supporters of intellectual freedom who work for the federal government.

#### **Conclusion**

The Foundation docket is full and growing, and opportunities for involvement in litigation in defense of the freedom to read have outstripped the Foundation's financial ability to take advantage of them. I hope you will urge colleagues who are not members to become

members and give generously so that we may continue to defend this profession's most fundamental principles. □

## **House, Senate committee vote cuts in NEA budget**

A raucous House of Representatives agreed June 23 to trim the budget of the National Endowment for the Arts by two percent after Democrats staved off Republican attempts to slash the agency by even more. Five days later, the Senate Appropriations Committee recommended even deeper cuts of five percent, or just more than \$7 million.

The 222-204 vote in the House followed a stormy debate in which conservatives accused the endowment of distributing taxpayers' dollars to artists who are "porno freaks." Opponents tried unsuccessfully to eliminate the agency's entire \$171 million budget, and then half of its funds. They next proposed shrinking it by five percent.

Rep. Cliff Stearns (R-FL) cited a performance in Minneapolis last March by Ron Athey, an artist with HIV, who cut himself and an assistant and then allegedly dangled bloodied towels over the audience. Rep. Robert Dornan (R-CA) cited Athey and other NEA-supported artists and said, "I can't comprehend the mystery of how these porno freaks keep getting this money."

NEA supporters countered that only a small portion of the works the agency finances prove objectionable to some people and that Congress has no right to censor controversial artists.

The debate came to a head after Rep. Martin Hoke (R-OH) said he would support Stearns' proposed five percent cut. Hoke, who is divorced, was captured on videotape last January looking at a female television producer and remarking to a colleague, "She has the big breasts."

"Some people think a member of Congress commenting in public on the size of a woman's breasts is obscene," said Rep. Jerrold Nadler (D-NY).

First, the House voted 218-214 to reduce Stearns' cut to a one percent reduction, but on a second roll call the one percent cut was rejected 216-210. Democrats then offered a two percent cut, which was approved 222-204.

The deeper cuts proposed by the Senate Appropriations Committee reflected the displeasure of its chair, Sen. Robert C. Byrd (D-WV), with NEA chair Jane Alexander's response to a letter that he and Sen. Don Nickles (R-OK), the ranking minority member of the committee, sent her about the Athey performance.

The Appropriations Committee bill would slash nearly in half the budgets for theater, the visual arts and an interdisciplinary arts grant program. "Funding for the arts is not an entitlement, nor is it guaranteed," the bill said. "It must be justified on an annual basis, along with the other programs funded in the bill. The case is not made when continued questionable grants and inappropriate uses of funds, regardless of the dollar amount, occur."

In her letter to the senators, Alexander did not disavow Athey's performance. She said it is difficult if not impossible to micromanage the use of grants, and she blamed the news media for "exaggerations" in reporting the event. Reported in: *Boston Globe*, June 24; *Washington Times*, June 29. □

### Fairfax library board stalemate

Conservative activists hoping to remove a gay newspaper, the *Washington Blade*, from Fairfax County, Virginia, libraries lost a bid to make one of their allies chair of the Public Library Board of Trustees in early June. By a vote of 6-5, the library board elected Herbert A. Doyle chair, replacing Phylis A. Salak, who served the maximum two consecutive one-year terms. Like Salak, Doyle has steadfastly maintained that it is not the library's responsibility to censor material (see *Newsletter*, July 1993, pp. 101-02; January 1994, p. 7; July 1994, p. 105).

Doyle's election quashed the hopes of conservatives who had sought the chair for board member Roger M. Sudduth, who had supported the fight to stop free distribution of the *Blade*.

But opponents of censorship suffered a setback when, just days later, it was learned board member Linda Hunt's term in office had expired more than a year earlier. Hunt, coordinator of school libraries and a representative of the county school board, had been a staunch opponent of the efforts to remove the *Blade*.

The county Board of Supervisors voted 9-1 to ask the school board either to choose another board member or reappoint Hunt. But on July 5, the school board said it would not nominate a new representative. School Board Chair Gary Jones said the board "must respectfully decline to make any recommendation" because state law specifies that Library Board members be selected from "the citizens at large."

County officials said that inaction could lead to the abolition of a seat on the board, which could give conservative opponents of the *Blade* a 6-5 voting edge. Reported in: *Washington Post*, June 9, June 30, July 6. □

### in review

**Ambition, Discrimination and Censorship in Libraries**, Jefferson P. Selth. McFarland and Company, Inc., 1993, 160 p., \$20.95.

The author, Jefferson P. Selth, worked for thirty years as a librarian in southern California and has chronicled some interesting and surprising observations. He surveyed the entire profession of librarianship and has published his results, accompanied by tables and charts, in an easy-to-read and well documented essay-format. It is an extensive demography regarding issues of gender and race in terms of ambition and discrimination in employment in libraries.

Through various essays, the author begins by describing the profession as one largely composed of women but predominantly managed by men, in both public and academic libraries. In terms of promotions, he cites some startling reasons or types of discriminatory practices used in denying librarians promotions: a "threatening excellent vita" and "not part of the good old boys' club" were among them. The more common reasons that the surveys reported to him include "overqualified", "outspokenness" and "non-conformity". Pay parity, he reports, is often compromised because of one's family status; the author cites from one survey: "I am paid less because I have no family to support". Despite the majority of men in senior management positions, ironically, women librarians prove to be more ambitious than men. Likewise, deputy directors' survey responses reveal a greater ambition than the directors. However, results show that the non-administrative librarians have just as much ambition as their supervisors. Additionally, the author's statistics show that women are found to be more service-oriented and men more bibliographical. He further asserts that as librarians age, there is a move from academic and public libraries to special and school libraries. Concerning race and family lifestyle issues, the author's surveys reveal that the profession remains mostly caucasian. Roughly one-third of the caucasian respondents speak of reverse discrimination as they report being passed over for promotions in favor of minorities.

The final essays of the book include the author's battle against censorship in libraries, his ideas on effective collection development and a profile of the ALA member and conference attendee. He lists five principles to follow in balancing a collection in public and academic libraries. To assist in implementing these five principles, he suggests four controversial topics that include subjects of religion and alternative lifestyles. Basically, the author asserts that if a controversial subject is unrepresented in a public library collection, then the librarians at that institution are censors. The author's portrayal of the typical ALA member describes him/her as over thirty; the under

thirty membership is very small because the salaries are smaller. He also reports that his survey findings indicate that the ALA membership is mostly caucasian, slightly more male, mostly work in academic libraries and is "an academically elitist organization".

Jefferson P. Selth founded the Southern California Coalition for Intellectual Freedom. The book is fully annotated with bibliographies. Recommended as good source data for statistics on employment discrimination in libraries, it provides a broad scope of the profession. *Reviewed by Gail W. Avery, Regional Branch Manager, District of Columbia Public Library, Chevy Chase Region.*

**Sex & Sensibility: Reflections on Forbidden Mirrors and the Will to Censor.** Marcia Pally. Hopewell, New Jersey: The Ecco Press, 1994. 198 pp. \$11.00 ISBN 0-0-88001-364-8. Dist. by W.W. Norton & Co. New York, NY.

This is an essential book. Buy it and read it.

In *Sex & Sensibility*, Marcia Pally dissects the "great soothing appeal of censorship" in the United States with admirable clarity and persuasive analysis. Reviewing the rise of book banning and other attempts at censorship in the last decade, Pally notes that much of it is based on two theories: that images cause harm and that the social benefits derived from censorship justify the loss of liberty which censorship entails. These theories result in a strange confluence of procensorship support which unites the religious far-right and the right-wing of the feminist movement. Pally pulls together concisely the arguments that are offered in favor of both theories and refutes them brilliantly.

The book reviews the published research, both in this country and internationally, concerning whether or not sexual imagery is harmful and examines the research on the possible connection between images and sexual crime or violence. Pally finds that despite assertions to the contrary by censorship proponents, the literature does not support their claims of a causal relationship.

Pally's critique of the fallacy of "image-blaming" is skillfully presented. As anyone who has participated in First Amendment battles in recent years knows, the advocates of censorship increasingly cite "scientific" or social science research of one sort or another to justify their approach. Pally accurately pinpoints the methodological problems inherent in research that purports to establish a causal relationship between sexual imagery and violence or crime. She finds that many of the sound bite assertions which are made to justify censorship are based upon faulty research, misrepresentation of research findings, or rumor and political ideology.

For example, she cites law enforcement sources that state that the "FBI has no evidence that pornography causes crimes," and debunks an American Family Association claim that the Michigan state police found that 41 percent of sex crimes were triggered by pornography. Pally quotes a Michigan state police profiler who says, "We have gone into our data base and have never been able to pull out such a causal relationship. . . Please tell your readers that we did no such study. We're tired of getting these calls."

Her discussion of methodological issues in social science research also draws upon problems identified by the Surgeon General's Workshop on Pornography and Public Health.

Pally tackles the issues of minors' access to sexual material, TV violence, censorship of the arts, popular culture and the movies, hate speech, and campus speech codes. Sections on labelling and rating systems discuss both the appeal of such approaches and their inherent failures and patent absurdity. Numerous sidebars provide anecdotes and insight into these and other issues.

The book is strengthened by an extensive and detailed bibliography. An earlier version of portions of this book was published jointly by The Freedom to Read Foundation and Americans for Constitutional Freedom and is still available. The present volume has been significantly expanded and enhanced.

Pally writes with a sharp and pointed pen, an insistence on honesty and accuracy in addressing issues that are inherently loaded with emotional charge, and a strong sense of outrage aimed at the hypocrisy of those who would curtail free expression instead of shouldering responsibility and addressing the real problems of the times. She writes: "Censorship has always been more problem than solution. It purges society of books, movies, and music, leaving hate, racism, sexism, drug abuse, poverty, and violence flourishing as they did before the printing press and movie camera. It flatters the nation into thinking it has done something to better life while it ignores what might be done."

As new versions of censorship continue to emerge and require clearheaded and levelheaded responses, the subject matter of this book is a moving target. For example, the rating system imposed on computer games by their manufacturers in the summer of 1994 is too recent for inclusion in this book.

*Sex & Sensibility* provides a readable overview, critique, and response to the current arguments for censorship in the United States. It will be useful to anyone who finds herself in the trenches of the First Amendment battlefield and would be a valuable addition to most public library, high school, and academic library collections. *Reviewed by Gordon M. Conable, President of the Freedom to Read Foundation and Director of the Monroe County (MI) Library System.* □

**Why the Religious Right is Wrong About Separation of Church and State.** Robert Boston. Prometheus Books, 59 John Glenn Drive, Buffalo, NY 14228-2197. 1993. 257 pp. no price available.

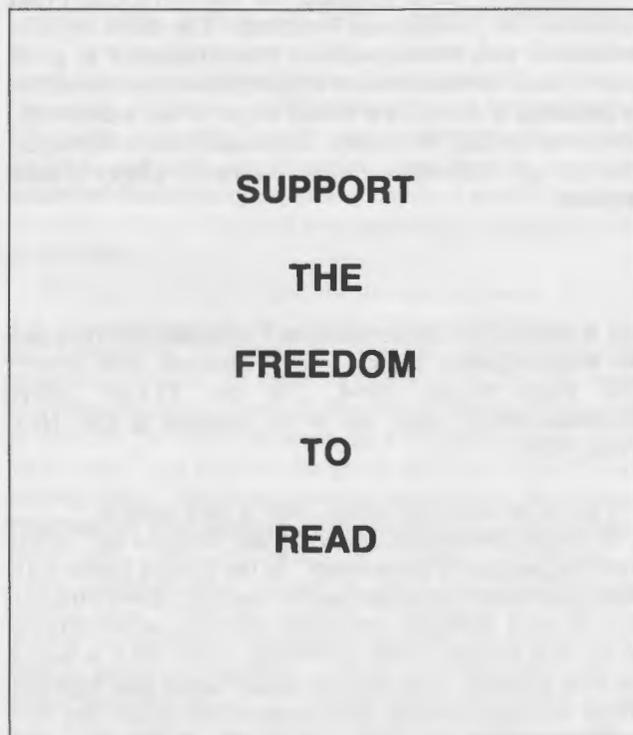
This is a book for those First Amendment advocates whom the author calls "the man and woman on the street, the believer in the pew and the activist in the community." Robert Boston of Americans United for Separation of Church and State has written an eminently readable, conversational guide for counteracting the political strategies of the religious right. His unapologetic tactic is to turn that strategy against them—"I am merely returning fire with similar spirit and vigor." Thus the author provides passionate, concise, and often very general answers, in non-academic prose, to the most common arguments of the religious right. Mr. Boston offers convincing evidence that the First Amendment separation of church and state is part of the United States' constitutional heritage that is now being eroded by the Supreme Court of the 1980's and 1990's.

Vital information is provided in a well-organized format. Included is a brief history of the context of United States church-state separation. There are such valuable tidbits as a two-page explanation of the Jeffersonian "wall of separation" theory which the author believes has been twisted by the religious right. We learn that the founders' intent was not generally contorted until the mid-nineteenth century, under the influence of Protestant reform movements. Mr. Boston achieves that difficult balance of describing such key court cases as *Lemon v. Kurtzman* (1971) with a broad brush, yet supporting his survey with scholarly citation for those wishing to delve more deeply. He also offers historical perspective on the specific issues of Sunday laws, free exercise, and parochialism. Each chapter is designed as rebuttal to specific arguments set forth by the religious right.

The most important contribution is the appendix material listing major religious organizations on the right, and the "Common Myths About Separation of Church and State." For example, the citizen activist is provided with a one-page retort to the belief that "ever since prayer was removed from schools, public school performance has declined and social ills have increased."

This reviewer is left uneasy, however, over the author's "in your face" strategy. "Why the Religious Right is Wrong" is a confrontational title; the reader will quickly understand that this book is written by a separation advocate every bit as zealous as the religious right he chastizes for using similar language and generalizations to squelch dialogue. I recommended that the publisher consider a future edition in multi-media format. It would be immensely helpful if the reader could practice arguing against a video of a Pat Robertson speech.

All reservations aside, I recommend this feisty resource for public libraries as well as for churches, schools, and other community groups. *Reviewed by Barbara M. Jones, Director of Schaffer Library, Union College, Schenectady, NY.*



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## — censorship dateline —



### libraries

#### Oconee County, Georgia

More than 500 Oconee residents sent a clear message to the county's school board July 22: if you censor, we fight. An overflow crowd of parents, teachers, and others packed the Watkinsville Community Center to organize against a plan adopted by the Oconee school board July 11 to evaluate all 40,000 volumes in the system's library and remove any books and teaching materials from the public schools that contain "explicit sex and pornography." The board also voted to ask the district's media advisory committee to screen all incoming books so that no new books "containing sex or pornography be allowed in our school system."

Declaring, "We are to go through and clean out the trash in our libraries," board member James Hunter led the move to remove books. The motion to empower a 19-member media committee to remove "any material which causes sexual arousal" from the libraries passed by a 4-1 vote.

"I've got two little girls — precious girls. One day some teenage boy is going to read this filth that's in here and it's going to sexually arouse him. And he's liable to rape her. That concerns me," Hunter said. "You're hitting home now."

In May, Hunter had unsuccessfully proposed that the board ban all books with profanity in them, but Superintendent Debra Harden warned that "to deviate from the current policy would bring us into the legal realm of book banning." Board attorney Terrell Benton agreed, advising the board that to follow through on Hunter's initiative would invite costly litigation. Hunter made the original proposal after he publicly disagreed

with the recommendation of the review committee to continue teaching *The Red Pony*, by John Steinbeck, after a parent complained the book contained profanity.

The Hunter motion eventually adopted July 11 sought to avoid legal problems by retaining current policy and keeping decision-making in the hands of the review committee, but shifting the task of initiating challenges from individual complainants to the review committee itself.

Hunter made clear, however, that in his mind it would not be difficult to find objectionable materials in school libraries. "If our librarian doesn't know where to find it, then we need to hire a new librarian," he said. "And you can always ask the students, they know where the pornography is."

Hunter's successful motion came after ten books were challenged by parents and removed from library schools for review by the media committee. The books, all part of the *Flowers in the Attic* series written by V.C. Andrews, were challenged by Geoff and Connie Rushing. "I say these books are obscene and pornographic," Rushing told the board. "We had considered reading aloud from some of these books, but we decided that would be quite inappropriate due to the filthiness of the material." Hunter said the books fit his definition of unacceptable pornography.

"What is going on is a contest to determine who will control the minds of the school children of Oconee County," said Patrick Beall, an attorney and member of a newly formed anti-censorship group, Resolving Education Adversity Diplomatically (READ). "It was the first step, not the last step, of a political agenda."

Like other speakers at the anti-censorship meeting, Beall predicted that allowing the board's order to stand will land the county in federal court, which would take money from the school system to defend "a frivolous action." READ members decided to demand the rescinding of the resolutions and resignations of Hunter and board chair Kenneth Bridges. Bridges, the group contends, is not a resident, but merely owns rental property in the county.

Bridges insisted the vote was not a book-banning measure. He said the media committee, which consists of eight teachers and administrators and eleven community representatives, would be responsible for determining appropriate standards. "I wouldn't call this censorship," he said. "We're just asking the media committee to go on with their work."

"We will approach this very systematically," said Superintendent Harden, who was charged by the board with overseeing the review. "I will meet with the members of the media committee at their scheduled meeting, and we will begin to establish appropriate procedures and parameters for the implementation of this policy."

But board member Chuck Horton, who voted against the proposal, said he was "appalled" by the decision.

"Four people buckled to the whims of what I hope is a minority in this country. I thought this was a slap in the face of the school superintendent and all the decent people who were asked to give of their time for this community. What I heard was an order to 'clean out the library.' I am not going to give a public school system over to a couple of zealots. If it takes a lawsuit to stop these people, then that's what it takes."

"When they start telling me that we will decide what your child will read, I have trouble with that," Horton continued. "We may have books that are offensive to some parents but not to others, but we have a system in place to deal with those situations. Now, they're trying to circumvent it."

But Hunter said the board simply "voted to strengthen the policy that was already there. People think the school is going to be removing books, but the point is the media committee, not the school board, is going to be removing books." Reported in: *Oconee Arrow*, July 14; *Oconee Enterprise*, May 12, July 14, 21; *Atlanta Journal-Constitution*, July 19, 23; *Athens Daily News/Banner Herald*, May 10, 11, July 13, 14, 23, 24.

#### **Chanute, Kansas**

*Pillars of the Earth*, by Ken Follett, a controversial historical novel, can still be read at Chanute High School, but only with parental permission. On June 20, the Chanute school board agreed unanimously to remove the book to a new "reserve" section of the school library, meaning students can only check it out with their parents' permission.

The book came under fire from board member and parent Charles Van Houden because of some use of obscenity and graphic violence. "I don't think we should ban the book. I think it should be reserved in the library," said Van Houden, who initiated the move after receiving an anonymous complaint.

The board also decided not to remove the book from a reading list for a world history class. The novel is one of sixty that students can choose to read and do a report about. A school committee had suggested the book remain on the reading list and open shelves, but that parents should be informed about what books were on the list. Reported in: *Chanute Tribune*, June 21.

#### **Baltimore, Maryland**

The Enoch Pratt Free Library was criticized in June by Jewish leaders for purchasing a controversial book that accuses Jews of masterminding the slave trade and blocking the advance of African-Americans. In May, the library purchased 37 copies of *The Jewish Onslaught: Dispatches from the Wellesley Battlefield*, by Tony Martin, a professor of Africana studies at Wellesley College in Massachusetts. The book also alleges that Jews

control American banking institutions, media and politics.

Arthur Abramson, executive director of the Baltimore Jewish Council said: "I can't see any reason to stock the book unless they're moving to a point where they're collecting racist propaganda. Controversy shouldn't be grounds for stocking a book."

"When someone offers a platform to a hate-monger, we question that," said David Friedman, director of the Maryland-D.C. office of the Anti-Defamation League. "It's easy to say that sunlight is the best disinfectant, but you still need disinfectant."

Baltimore City Council member Rochelle Spector said she was studying the issue with an eye toward having the book removed. "I'd like to see the book pulled from the shelves," she acknowledged. "People who want to buy it can buy it, but there's no reason for our public library to spend shrinking public funds to promote the circulation of such hatred. We don't have to supply that kind of misinformation, hatred and lies." While the central Pratt library is primarily funded by the state, other branches are funded by the City of Baltimore.

Pratt officials said they had received no public complaints about the book. "Libraries have books with more than one point of view," said Harriet Jenkins, head of the central branch's social science/history section. "Being part of a free society means making controversial books available. You can criticize the book without criticizing the fact that the library bought it. Those are two separate issues."

According to Jenkins, the library decided to purchase the book because of an "anticipated and demonstrated public demand." She noted that a speech by the author in Baltimore drew more than 200 protestors and much media attention. "Media coverage often creates high demand, and there was a lot of coverage of the book."

But Spector said that *Onslaught* should not be stocked just because controversy has piqued interest. "That's the responsibility of the book store," she said. "A public library doesn't have the responsibility of distributing books spewing racial hatred." Reported in: *Jewish Voice*, June 3.

#### **Commerce Township, Michigan**

Two copies of the *New Dictionary of American Slang*, by Robert L. Chapman, in the Walled Lake school district will now bear warning labels. In addition, the slang dictionaries will not be on open shelves; librarians will give them out at a student's request. Librarians also will be required to point out to the borrower the warning label, which says, in part: "This book contains words which might be offensive to the reader."

The warnings were suggested by a five-member review committee in response to an objection by parent Robin Benzinger, who wanted the books removed from the

library of the Walled Lake Central High School, where her son is a student. Benzinger said she was shocked a book containing "every gross, disgusting definition for the human anatomy," swear words, ethnic slurs and more than a page devoted to defining phrases using the "F" word would be in a school. "I really don't think I got anywhere," she said. "It's still not going to be refused to any student." She vowed to appeal the decision.

But Walled Lake Central librarian Linda Binoniemi said the decision could unleash censorship. "I think it sets a precedent for labeling books," she said. "It opens the door for any kind of labeling. We'll end up labeling every book in the library. My preference was to have it remain on the library shelves in an unaltered state." Reported in: *Oakland Press*, May 23, June 9; *Eccentric*, June 13.

#### Las Vegas, Nevada

A photography display that won a library district art contest drew the outrage of Clark County Commission Chair Jay Bingham, who argued May 27 that its sexual theme has no place in a public library. Bingham said he would seek to have the display removed because of his concern that children going unaccompanied to the Spring Valley Library might be harmed by its references to homosexuality.

"It almost looks like they were soliciting you," said Bingham, who said he went to look at the exhibit after being contacted by upset constituents. "That's how I took it. Are we opening up down there a place for people to be recruited?"

The display included five sets of photographs and accompanying short texts. The one that bothered Bingham the most said, "I'm a man thirty years of age, and I'm still a virgin. Sex with a man is what I desire." The statement was placed under four photos of a woman in a low-cut blouse.

The exhibit by Art Chivis, a local artist, won the library district's annual Art-A-Fair competition. A catalog described it as having a "love" theme and revealing "non-mainstream American sexual desires in terms of social, political and institutional acceptance." None of the photographs involves nudity or explicit sexual acts. In one set, a man and woman kiss. Another shows attractive young men, one of whom is wearing only underwear.

Library officials recognized the exhibit might bother some people, so they chose to display it in the only library that has a self-contained gallery with doors that close. Two signs reading "Material contained in this exhibit may be objectionable. It is suggested that children be accompanied by an adult" were placed on the doors.

"I was glad it was behind closed doors," said Diana Wilson, president of the Las Vegas-Clark County Library District, who visited the exhibit in response to Bingham's concerns. "I could see why some people would be

offended, but there are probably books in the library that would offend certain people." Reported in: *Las Vegas Review-Journal & Sun*, May 28.

#### Sparks, Nevada

Washoe County Library System users urged a panel of librarians June 22 not to remove four controversial sex education books from the regular shelves. Of sixteen people who addressed the panel, established to decide the fate of the books, only one spoke for restricting access to the books. But he promised to return with more supporters at the committee's next hearing.

The controversy began on May 14 when two ministers rallied about a dozen supporters outside the Sparks Library to protest the four titles, *What's Happening to My Body?*; *Learning About Sex: A Guide for Children and Their Parents*; *Being Born*; and *Where Did I Come From?* The books are in the children's reference section and the ministers called for their removal to restricted shelves.

"These books were made to be used by a parent and a child," said Rev. David Peddicord of Grace Baptist Church. "Nobody in their right mind would give books like that to children on their own, except the library. We don't want them banned, of course. We just want them put into a controlled area as they used to be."

When Sparks children's librarian Judy Vaughan took over 27 years ago, the children's sex education books were kept in a separate room. They were marked with an 'X' on the spine and could only be checked out with written parental permission. Vaughan moved them into the children's regular stacks on a top shelf out of reach of small children.

"We had an older staff that was very conservative and careful," Vaughan said. "It just reflected the times. Society has moved forward so fast with young people exposed to so much. The children need access to correct information."

"The role of the library is not to be restrictive, that is the responsibility of the parent," said Washoe County Library Director Martha Gould. "If you don't like what your children are reading, you must address it within the family unit. If we take the books off the shelves, we'll have irritated parents because it won't be easy to find the information when they want it." Reported in: *Reno Gazette-Journal*, May 12, 15, 20, June 23; *Sparks Tribune*, May 19, June 13, 23.

#### Lawrence, New Jersey

The Mercer County Library Commission voted 5-3 June 15 against returning a pair of books that deal with homosexuality to the children's section of the library branches. The vote capped a 2½-hour public hearing attended by more than 120 people.

The books in question, *Daddy's Roommate*, by Michael Willhoite, and *Heather Has Two Mommies*, by Leslea Newman, were written for children and attempt to destigmatize homosexual relationships. In July, 1993, the commission voted to banish the books from the children's sections. Since then, a group of residents has been working with the ACLU to get the books returned (see *Newsletter*, July 1993; p. 126; November 1993, p. 177-78; July 1994, p. 110).

The crowd at the meeting was about equally divided between opponents and defenders of the books. "These books are thinly veiled attempts at recruiting children directly into the [gay] lifestyle," said Eric Sortore. Countered Donald Wadrous: "If you think your child will be swayed by one book, then you don't have much faith in your children or in your lifetime of teaching them." Reported in: *Trenton Times*, June 16; *Trentonian*, June 16.

#### **Washington Township, New Jersey**

Pending a district review, officials at Chestnut Ridge Middle School have moved two books on sexual orientation — *Understanding Your Sexual Identity: A Book for Gay Teens and Their Friends* and *Coping With Your Sexual Orientation* — from the library to the guidance department. The action came after parent Chuck Kahler complained. Kahler, chair of Concerned Citizens of Washington Township, took out a newspaper ad that read in part: "The school administrators in our public schools are indoctrinating our children in the gay lifestyle. Are we going to allow our schools to promote unnatural behavior in the name of political correctness?"

"We have books on World War II in the library," responded district Superintendent Robert E. Kern. "Does that mean we condone war? It's educational information." Reported in: *American School Board Journal*, April 1994.

#### **Rockingham County, North Carolina**

*I Want to Keep My Baby*, by Joanna Lee, a novel chronicling a 15-year-old girl's pregnancy and her subsequent estrangement from her family, was removed from the Morehead High School library in early June by a 4-2 vote of the Rockingham County school board. The reason? "Anti-religious" sentiments — the girl's comment that her boyfriend was "her God" — and sexual situations. Reported in: *Reidsville Review*, July 6.

#### **Coquille, Oregon**

An apparent self-appointed censor blanked out passages in several books in the Coquille Public Library this spring, angering patrons and leading the library board to offer a reward to find the vandal. "I'm shocked that someone would take it upon themselves to be a public censor," said Library Director Molly DePlois.

DePlois first noticed the vandalism when she found words covered over with white typing correction fluid in a book she had checked out. Nobody had complained about the problem, but library officials quickly found more and more cases of the editing when they started asking patrons. "Some patrons thought it was library policy," said DePlois. Others thought the books had been donated.

All the affected books were purchased new within the past year, DePlois said. They include *Winter Prey*, by John Sanford; *Mystery Ride*, by Robert Boswell; *It's Only Love*, by Linda Cashdan; and *Confidence*, by Penny Hayden. Most were mysteries and romances in which single words and sexually explicit passages were whited out by a vandal who left either dots or solid ink pen lines where the words had been.

"I hope it's not just the tip of the iceberg," DePlois said. "It's real disheartening. These are popular books that people want to read. Everyone has a right to voice their opinion, but I hope people would use a more proper channel to do so." Reported in: *Coos Bay World*, May 24.

#### **El Paso, Texas**

A mother of two filed a complaint with the El Paso Public Library asking for the removal of *In the Night Kitchen*, by Maurice Sendak. Andrea Berkenkemper said her children, ages 5 and 8, were so disturbed by the book's drawings of nude children they could not finish listening to the story.

"My son and I were offended by the fact the little boy pictured did not have any clothes on and it pictured his private area," Berkenkemper wrote in a January 27 letter to the library. "Please remove this book from your shelves. It discourages family reading time."

On April 7, Berkenkemper took her complaint to the library board. The board formed a committee to look into the complaint. Reported in: *American Libraries*, June 1994.

#### **Vancouver, Washington**

A Sifton Elementary School parent planned to appeal an Evergreen School District committee's decision to retain a series of horror stories in elementary school libraries. The Instructional Media Committee voted 9-1 in June to retain Alvin Schwartz's *Scary Stories to Tell in the Dark*, *More Scary Stories to Tell in the Dark*, and *Scary Stories 3: More Tales to Chill Your Bones*.

Parent Gerry Froese said he would appeal the decision to the school board. Froese, his wife Susanna, and two other couples filed a challenge to the books, but Gerry Froese was the only one to testify before the committee.

"This book, as far as I can tell, is far beyond other scary books," Froese said. However, he added, "If

another book came to my attention, I'm sure I would take it through this same process. You take it on an individual basis. We're not on a crusade."

"I found it very interesting, the issue of censorship versus individual rights," Froese added. "I had not even thought of censorship before I heard it here."

The Schwartz books have also been challenged in the neighboring Vancouver School District three times since 1991. While the books survived earlier battles, a committee in April decided to remove them from elementary school libraries (see *Newsletter*, July 1994, p. 111). Reported in: *Portland Oregonian*, June 13.

## **schools**

### **Kyrene, Arizona**

The Kyrene Elementary School District Governing Board voted May 10 to limit the use of a controversial collection of Brothers Grimm fairy tales to sixth- through eighth-grade classrooms. The board approved a recommendation from a district committee of parents and teachers to remove *The Complete Fairy Tales of the Brothers Grimm*, edited by George Sipes, from the district's instructional reading list for fourth- and fifth-graders.

Last November, the board unanimously rejected a recommendation to remove the fairy tales from the district's reading list because of its excessive violence, negative portrayals of women and allegedly anti-Semitic references (see *Newsletter*, January 1994, p. 34). However, the board referred the book back to the district's trade book selection committee for reevaluation and placement at the appropriate grade level.

That committee decided to use another Grimm collection, edited by Lucy Crane, in third through fifth grades. It was one of 171 new titles added by the committee after a review process of several months. Reported in: *Tempe News Tribune*, May 11; *Chandler Arizonan Tribune*, May 12.

### **Santee, California**

A high school teacher in this San Diego suburb was told in April that she would not be allowed to teach any more after school officials denied her request to show the R-rated movie *Zoot Suit* to her eleventh grade students. Reiko Obata said she wanted to show the movie to counteract prejudice against Mexican Americans at the largely white Santana High School.

The principal informed Obata that *Zoot Suit* was not suitable for her five American literature classes because it contained excessive violence and objectionable language. The next day, school administrators took the unusual step of sending Obata home with pay for the rest of the semester. A substitute was hired to take her place. The movie was never shown at Santana.

Obata, a temporary employee filling in for a teacher on leave, said she was told she would not be offered a job next year because she was insubordinate in going over the head of the English Department chair in seeking approval to show the film.

"We are extremely cautious given the tenor of the community," explained Carl Wong, the Grossmont Union High School District's assistant superintendent for educational services. The district serves the eastern and southern portions of San Diego County, where conservative and religious groups are politically powerful.

Obata had required students to bring signed permission from their parents to see *Zoot Suit*. After she was barred from showing the film, 200 students signed petitions asking the administration to relent. "We think it's terrible what has happened to Miss Obata," said student Christine Lucas. "She was such a good teacher. She was the kind of teacher you could talk to."

In rejecting *Zoot Suit*, Principal Terrie Pennock and English department head Beverly Jellison noted the film's "excessive" violence and use of obscene language. But the film's writer-director Luis Valdez said the violence in the movie was symbolic and off-screen and one objectionable word is used only once.

"Obviously somebody at Grossmont does not like my movie," Valdez said. "Maybe it's because they don't like the interpretation of this piece of history. I applaud the teacher for standing up to this kind of bigotry and censorship." The movie has been used in numerous high schools and an edited version was shown on network television. Reported in: *Los Angeles Times*, May 4.

### **Yorba Linda, California**

A book that parents complained contains graphic violence and offensive language will be removed this coming fall from fifth-grade classes at Bryant Ranch Elementary School. Placentia-Yorba Linda Unified School District trustees on June 7 accepted the removal recommendation from the district's curriculum committee.

A group of five parents and two children complained about the book, *My Brother Sam is Dead*, by James Lincoln Collier and Christopher Collier, which is about a teenager who fights and dies during the American Revolution.

"I think we all agree that the book is not G-rated. Offensive language is offensive language. Graphic violence is graphic violence, no matter what the context," said Tamara Heathcote, parent of a fifth grader. She objected to the book's use of such expressions as "bastard," "goddamn," and "son of a bitch." Reported in: *Yorba Linda Star*, June 2, 9; *Los Angeles Times*, May 26; *Orange County Register*, June 8.

### Atlanta, Georgia

The sex-education textbook used in Fulton County high schools was banned in mid-June after parent Eileen Forkin complained the book was too graphic, out-of-date and did too little to persuade students not to have sex. The book, *Human Sexuality*, is approved by the state Board of Education for use in Georgia high schools, and Fulton's high school health teachers have used it for five years. A committee of school system curriculum experts unanimously recommended that schools continue to use the book.

But the school board voted unanimously to bar teachers from using the book as a resource for class lectures or activities, or to let students have access to it. Board members complained that the book places too little emphasis on abstaining from sex, which the board has decided should be the major message of its sex education program. Forkin called the book "a how-to book. Our kids don't need to have sex these days, they need to know how to say 'no.'" Forkin also complained that the book was too graphic, with one drawing of the female anatomy cited as the most egregious example.

"Our teachers have heard from us our desire for abstinence to be emphasized, and our teachers are doing a good job," said board President Zenda Bowie. "What we have indicated is that factual information will be presented. We have to talk about condoms and those sorts of things because they exist. But we would not want them to teach how to use contraceptives." Reported in: *Atlanta Constitution*, June 16.

### Folkston, Georgia

Steve Maynor had nearly finished *In Country*, by Bobbie Ann Mason, when Charlton County High School administrators ordered students to stop reading the book because of a complaint from a parent. The tenth-grader said he was excited about the story of a young woman's quest to learn about her father, who was killed in the Vietnam War.

All of the parents of the 48 students in Barbara Hannaford's two college preparatory English classes had given permission for their children to read the book. But it was removed from their hands in May after one of those parents complained it included profanity.

Members of the Charlton County Board of Education backed the parent, and school Superintendent Jack Mullis asked Hannaford to stop using the book, which had previously been given administrative approval as supplemental reading.

"There's a lot of graphic description of sexual acts," said Kelly Brooks, chair of the board. "They use the Lord's name in vain in several different parts of the book, and there's some sexually explicit poems or little sayings in the book."

The removal did not sit well with the students. "It was a good book, and I don't see how cussing made a difference because you hear it around school," Maynor said.

"Most of the students were very upset," added Hannaford. "They thought that they had parental consent, and if one parent had a problem with the book it was perfectly within his or her rights to change, but the others should be allowed to read it." Reported in: *Dalton Daily Citizen-News*, June 1.

### Delaware, Indiana

The Delaware Community School Board voted 4-0 May 17 not to require sophomores at Delta High School to read *Ordinary People*, by Judith Guest. The controversial novel had brought a complaint from parents Zandy and Renee Bohanan, who had written to Superintendent Marlin Creasy about their child being required to read the book. The complaint cited profanity and descriptions of sexual situations in the novel.

Creasy said the board did not ban or censor the book, since students could still read it for assignments like book reports. Creasy also recommended that principals give parents a list of required readings and let parents know they can ask that their children be given alternative assignments. Reported in: *Muncie Evening Press*, May 18; *Muncie Star*, May 18.

### Dudley, Massachusetts

More than twenty-five years after its publication, *Go Ask Alice*, an anonymous diary of a 15-year-old girl who died of drug abuse, was banned from a ninth grade reading list at Shepherd Hill High School. The 4-3 vote of the school committee for the towns of Dudley and Charlton came on June 8. The issue had been debated in the district since May, 1992, when Police Chief William Prout objected to his daughter reading the book for homework.

Prout collected 176 signatures on a petition against classroom use of the book, citing its "gross and vulgar language and graphic description of drug use and sexual conduct." A description of lesbian sex was one reason Prout and his daughter gave for objecting to the book. "I just felt uncomfortable reading it," said Kristine Prout. "Maybe if it was for a health class."

Principal Alfred L. Thibaudeau said a review committee found the book acceptable and recommended it be left in the curriculum. Thibaudeau said that he was the only committee member to recommend the book's removal. Reported in: *Boston Herald*, June 10; *Quincy Patriot Ledger*, June 10; *Webster Times*, June 15.

### Duluth, Minnesota

More than two years have passed since Myra Pepper came home upset over a book her fifth-grade class was reading at Nettleton Math and Science Magnet School.

Chester and Bernice Pepper agreed with their daughter's objections to the book, *War Comes to Willy Freeman*, by James Lincoln Collier and Christopher Collier, a novel about a free African-American girl's adventures during the American Revolution. The Peppers objected to the book's portrayal of African-American characters as demeaning, and claimed use of the word "nigger" in the text led students to use it outside the classroom.

Their complaint was heard in 1991 by a school-level committee, which recommended that the book remain in use in fifth grade and up with teacher supervision. But a school district administrator ordered the book pulled over summer vacation, pending a district-level appeal hearing. And there, for reasons that no one could explain, the issue remained until this February when Vance Hopkins, president of the African-American Educational Advisory Committee, requested a district review. "It was removed, but it wasn't removed the proper way," he said. The hearing was held on May 3, 1994.

"I'm concerned that we not get into a situation where it's easy to throw a book out," said Richard Mesenburg, assistant superintendent for learning services. "We want to make sure that you don't just complain and a book is gone."

Nancy Broman, speaking for the team of Nettleton fifth-grade teachers, defended the book as part of a social studies curriculum developed by the district. She noted that the curriculum also includes regular textbooks and a non-fiction book, *Black Heroes of the Revolution*. "Novels let children move beyond facts," Broman said.

"It was never our intent to ban books," said Bernice Pepper, who said she did not object to the book's use in grades seven to twelve. She described her concern that the book's repeated use of the word "nigger" upset her daughter and other black children. Her greater concern, however, was that teachers were using a novel about one fictional person instead of presenting the wealth of information available about real African-Americans of the period. "I think kids, black and white, are being short-changed," she said. Reported in: *Duluth News-Tribune*, May 1, 4.

### Cincinnati, Ohio

John Dovel, a parent in the Northwest Cincinnati Local School District, told the school board in June that new health books proposed for use in the fourth- through ninth-grades were inappropriate. Dovel said nine- and ten-year-olds are too young for lessons on date and acquaintance rape. He also objected to the toll-free numbers listed in the back of the proposed texts. Students could call listed agencies for information without parental knowledge, he said.

The textbooks, some of which were pilot-tested in classrooms last year, were made available for communi-

ty review. A group of "citizen readers" was assigned to examine the texts and their ratings were used in making recommendations. A 34-member committee worked to overhaul the health curriculum and its recommendations were presented to the school board June 13. Reported in: *Northwest Press*, June 22.

### Mifflinburg, Pennsylvania

Richard Hanson, a Mifflinburg Area High School English teacher who wears an earring and keeps guitars in his basement, became the focus of an extraordinary controversy in Mifflinburg after the local school board suspended him for showing his classes a video by the late Frank Zappa. The color film, *The Amazing Mr. Bickford*, includes violent and sexual, though highly creative, claymation by California animator Bruce Bickford with music by Zappa.

The incident divided the rural community. One side said the film is obscene and sexually explicit and argued for parents' rights in education; the other complained of conservative censorship and the usurping of teachers' and students' rights. There were student walkouts and suspensions. One turbulent school board meeting drew police from surrounding communities.

The brouhaha began March 4 when Hanson showed about forty minutes of the film to eight students in a small advanced English class. The showing proved uneventful, but problems arose a week later when Hanson showed it to about a hundred students in several standard English classes. At least one student was offended, and the battle was joined.

School officials asked to see the film. Hanson showed it to them on March 28. "I was offended by it," said Superintendent Ben Van Horn. "I was expecting that there would be some frontal nudity, and in many grades that is not inappropriate. When I saw this video and saw some explicit sexual activity, I was offended."

Hanson was instructed to provide a written explanation, which he did on March 31. Among other things, he wrote: "If students are to transcend low-level thinking skills, teachers must begin to take innovative steps. Risks must be taken." Six days later, Hanson was suspended. On April 13, the district informed him that they were seeking to fire him for "willful violation of school laws" and for "immorality." The case went to outside arbitration and hearings were continuing, but Hanson, who was scheduled for a sabbatical, filed for unemployment.

Meanwhile, there were volleys of outrage from all sides. Some students and parents, as well as the teachers' union, sided with Hanson. Other students, parents and supporters of the administration were against him. A local newspaper hosted a public showing of the film and polled many of the thousand people who attended. Most polled found it suitable for high school students.

But some were outraged. "I saw sodomy, what quite possibly could have been cannibalism," said one mother. "I saw an altar, which was portrayed more toward Satanism than a church affair. I saw sexual intercourse. I saw lesbianism. I saw oral sex. I saw nothing good. I fear to get my hair cut tomorrow," she added, "for fear my beautician is a Hanson supporter and I'm going to come out shaved."

"There was no theme, no story," added Neil Shoreman. "The music was just awful, notes all over the place. It wasn't a tune; there was just a collection of sounds continually. It was forty minutes of nothing."

Students in the advanced English class had a somewhat different view. Although several found the film boring, none found it offensive. "I was intrigued by the complexity of the film," said Stefanie Hoffman, a junior and the daughter of the New Berlin police chief. "It was interesting. But it was enough to get bored with it after a while." Jim Bromfield agreed: "I can't say I was unimpressed by it, but it was really boring." The students generally agreed that Hanson is "different" as a teacher. When asked to grade him, Hoffman said she would give him an "A or A minus."

"I'm upset that one complaint can have this huge effect," Hoffman added. "It just doesn't seem fair. If I ever wanted to go into teaching, I don't now." Reported in: *Philadelphia Inquirer*, May 29.

#### West Chester, Pennsylvania

The West Chester school board voted unanimously May 23 to remove Mark Twain's *The Adventures of Tom Sawyer* from the seventh-grade curriculum after parents, white and African-American, complained that it is too full of racially charged language. The book will remain in libraries and students will be permitted to use it for book reports.

"Parents have told me that both African-American and white children were uncomfortable with some of the language in the book," said the district's curriculum director, Tonya Hutchinson. "Perhaps this classic would be better placed in the high school."

School board President James B. Davison said the book's use of the term "nigger" figured prominently in the board's decision. "That term is in the book and it may teach them that it is an inappropriate term," he said.

Board member David Wood expressed some discomfort with the decision, although he voted for it. "We may be removing a book from our curriculum because it may be offensive to some, but that [same book] may stimulate thought and debate and be used as a teaching tool. I don't want to see a curriculum that is completely bland," he said. Reported in: *West Chester Local News*, May 25; *Philadelphia Inquirer*, May 25.

#### Faulkton, South Dakota

After hearing presentations by two parents, a local minister and members of a school review committee, the Faulkton School Board voted on June 14 to remove *Ordinary People*, by Judith Guest, from district classrooms but to allow it to remain in the library. The school committee had recommended that the book remain in classroom use. Reported in: *Faulk County Record*, June 15.

#### Salt Lake City, Utah

"In olden days, a glimpse of stocking was looked on as something shocking," but today "anything goes," wrote Cole Porter in the musical of that name. Perhaps, but surely not on high school stages in Utah. Consider:

- A mother spotted a marquee announcing Cottonwood High's production of *Damn Yankees*. Incensed, she phoned the school demanding the sign be changed. The expletive "damn," she said, was corrupting her little girl, who viewed it from the car window on the way to kindergarten.

- Rehearsals of East High School's *Godspell* were halted for three weeks when an irate parent announced that, because the musical was deemed unsuitable for his church to produce, it certainly was unacceptable for his son's high school.

- A Layton father would not allow his teenager to participate in his school's production of, yes, Porter's *Anything Goes*. The reason? This line: "Some get their kicks from cocaine. I'm sure if I should take even one sniff it would bore me terrifically too."

- *The Shadow Box*, Michael Cristofer's Pulitzer Prize-winning play on death and dying, stirred up a hornet's nest last April at the 4-A Utah High School Drama competition. Students from Salt Lake City West High School's theater arts program presented Act II from the drama. They won third place overall and two first-place acting awards for individual performers.

Also in attendance, however, was Patricia Sandstrom, drama coach at Jordan High School, who wrote to the executive director of the Utah High School Activities Association. The letter was widely circulated among drama teachers.

"It seems that more and more the winning plays need to have as their subject matter homosexuality, AIDS, death, unwanted pregnancy, etc.," Sandstrom wrote. "The message I received was if you can't use obscene words such as the 'F' word, deity, or every other word that is offensive to the average listener, then your play is not acceptable for awards."

Of 97 public high school districts in the state, at least one, the Granite School District, imposed stringent guidelines in the 1970's after the principal of Skyline High

School canceled a production of Neil Simon's *Come Blow Your Horn* before opening night.

"Drama teachers were urged to present literature that would not be controversial," said Skyline High drama teacher Tom Stokoe, "or cause negative issues to arise within the community or cause the community to get upset." Eventually, the district compiled a fourteen-page book of guidelines for school musicals that is startling in its specificity and restrictions. Among these are:

- The song "Take Back Your Mink" from *Guys and Dolls* should be cut or modified so that sexual implications are eliminated.

- The racial conflict in *West Side Story* must be tempered in such a way that members of the community are not offended; Anita's song verse in "Tonight" should be eliminated or altered.

- All references to strippers in *Gypsy* should be replaced by the word "dancers."

- In *Kiss Me, Kate*, the word "ass" should be changed to "donkey," and the songs "I Hate Men," "Too Darn Hot," "Always True to You," and "Brush Up Your Shakespeare" should be altered extensively or eliminated.

- References to Mormons and polygamy in *Paint Your Wagon* should be modified or eliminated.

West High School's John Whiting said the habit of "prettifying up scripts" is common in Utah schools. But Greg Smith, managing director of Music Theater International, licensing agent for hundreds of shows is appalled at the practice. "It is a violation of copyright law to make any changes in script material, in lyrics or in music without the permission of the owner or the author," he said.

Smith said latitude sometimes is given to specific high schools. "But for a school board to unilaterally impose such restrictions is unacceptable — and illegal," he said. "They can either ask for permission on a case-by-case basis or not license the show. It is one thing to have an individual teacher make a few changes. It is quite another to have a school district publish specific changes in a written booklet." Reported in: *Denver Post*, May 29.

### Fairfax, Virginia

Responding to pressure from conservative parents, the Fairfax County School Board modified its sex education program July 14 to emphasize the traditional family structure and promote abstinence as a form of birth control and protection against AIDS.

In a series of votes, the board replaced a first-grade book, *Families*, by Meredith Tax, that some people criticized for "glorifying divorce." In January, several parents objected to a passage in which a boy wishes that his parents were divorced because he thought that would mean he could fly in a plane to visit his father. *Families are Different* was substituted as the primary book on the topic for first-graders.

The board also required adding to a presentation on AIDS the message that "abstinence is the only safe choice" for young people weighing whether to have intercourse. Although the decisions affected only a portion of the county's program, some school officials said they feared the changes represent a conservative step toward further restrictions.

"I feel like this is the beginning of what will ultimately be an attack on this program," said board member Letty A. Fleetwood. "I frankly find it really rather scary."

The changes came after sharp debate and despite recommendations from administrators and a citizens committee, who studied the curriculum and endorsed the county's current approach to AIDS education and other areas of family life education. The committee had called *Families* an effective teaching tool that "supports the nuclear family, utilizes artistic and educationally appropriate illustrations, and models family constellations which are reflective of [Fairfax] families."

The approach to sex education had faced scrutiny since early this year when board chair Gary L. Jones and board member Gary A. Reese requested a complete review of the AIDS curriculum, the teaching of sexual identity, and birth control. After several months of study, the citizens committee came back with a series of recommendations. Among things urged by the committee majority were inclusion of a series of new videos and continued use of a controversial "Face to Face" program on AIDS that brings HIV-infected people into the schools. But some of the suggestions came under fire from conservatives on the committee and several board members, who complained that the curriculum promotes "the homosexual lifestyle," premarital sex and nontraditional families.

While the board adopted nine new videos, they rejected three others recommended by the committee, including *Main Street: Growing Up Gay*; *Young Fathers*, *Teenage Love*; and *Birth Control: Myths and Methods*. Reese said the videos were rejected because they promoted a "favorable viewpoint" of the "gay lifestyle," did not discuss abstinence or showed a teenage couple with a baby "living together outside marriage."

Reese, Jones and other conservatives on the board demanded that the "Face to Face" program include information about the high-risk behaviors that transmit the AIDS virus, such as having multiple sex partners or using needles to take drugs. They approved an AIDS awareness play called "Secrets," but only after requiring that it place a greater emphasis on abstinence. Reported in: *Washington Post*, June 2, July 15.

## student press

### Crystal River, Florida

A high school panel censored a senior's submission for a student literary magazine, saying the story about alien bonding through a zipper was inappropriate. A review committee at Crystal River High School voted 7-0 June 2 to ban "Zippers," by Natasha Thompson, from the magazine *Muse*.

Principal Craig Marlett said school policy forbids publication of obscene material and the committee believed the science fiction story could be interpreted as having sexual connotations, thus constituting obscenity for minors. Reported in: *Tampa Tribune*, June 4.

### Tropical Farms, Florida

A series of articles about cheating scheduled for the May 6 edition of *Red and Black*, the South Fork High School student newspaper, was quashed by acting Principal Betty Coxe, who cited potential legal problems. Instead of the two-page spread featuring confessions by student cheaters and the names of teachers in whose classes the cheating occurred, the paper ran a collection of graduation night photographs.

"We believe that all of the information we presented was fair, accurate and provided balanced coverage," *Red and Black* staffers wrote in an editorial. "That is why we are so sad that the administration deemed it necessary to refuse us the right to print the section."

"I decided, for predominantly legal reasons, the stories needed more work," Coxe said. "The stories were too potentially litigious for the school, the students and the parents. I did not tell them they could not run stories on cheating, just not those stories." She said the articles as written could have resulted in lawsuits. Reported in: *Stuart News*, May 6.

### Naperville, Illinois

Journalism students at Naperville Central High School worried about future censorship of the school newspaper after the high school principal asked them to remove four administrators' names from an article to appear in the May 27 issue. "I'm worried about where it will go from here," said Toni Gzehoviak, the paper's incoming editor-in-chief.

The article concerned administrators who traveled out of state to educational conferences at the district's expense. "I felt that publishing the names was not critical to the point the students were making in their article," said principal Tom Paulsen. "Leaving the names in was personalizing the situation and making it appear these people had done something wrong. My intent is not to be looking over their shoulders and asking to look at their articles in advance. I don't want to squelch them from looking at issues of substance."

The students agreed to delete the names, although they are all part of the public record available to anyone. "We weren't happy about it, but we didn't want to cause further problems," said reporter Kim McCann, who wrote the article. Earlier in the year, the school board had expressed displeasure with the newspaper regarding an article on the budget which the board believed one-sidedly favored the views of the teachers' union. The budget story won a national award, however. Reported in: *Naperville Sun*, May 25.

### Philadelphia, Pennsylvania

When the students of Bodine High School received their copies of the school paper, *The Ambassador*, June 21, they read an editorial by graduating senior Mike Greenspan, who said he wanted to put his "petty complaints" about school facilities in writing. But the editorial did not appear in copies of the paper distributed over the summer and in early fall to incoming freshmen and potential recruits to the magnet high school specializing in foreign relations. Principal P. Karen Hill ordered a remake of the page and replaced the editorial with a boxed message: "Bodine High School for International Affairs Welcomes the Freshman Class for the Fall 1994."

Although students accused Hill of censorship, she said she merely wanted to assure that the school could compete with other magnet schools for students. "When you're putting out a brochure for your company," she said, "you try to promote it in the best possible light."

After bundles of the newspaper with the Greenspan editorial were delivered to the school, Hill kept them in her office and out of circulation. The editors feared the principal was trying to suppress the paper, but Hill said she was only buying time to decide what to do for a freshmen orientation the next day. She eventually agreed to distribute the papers after the orientation, and to reprint them without the editorial for summer and fall distribution.

Assistant Editor James Balaguer said Hill's actions were "like censorship, in a way." Incoming students, he said, just like those already at the school, "should see that students have the right to express opinions. If the principal is going to cut something out of the paper, what next?" Reported in: *Philadelphia Inquirer*, June 18.

### Philadelphia, Pennsylvania

Tensions between the *Student Vanguard*, student newspaper of the Community College of Philadelphia, and its critics in the college administration reached a crescendo in early June when a college dean forced the removal of the English professor who had been the paper's faculty adviser for six years.

"It's censorship," said Donald Weinberg, the dismissed adviser. "You remove a professor who stands

between the students and the administration, and you hope the students will cave in to the party line.”

But Dean of Student Life Noelia Rivera-Matos insisted that her dismissal of Weinberg had nothing to do with story content. It was the paper’s sloppiness she objected to — misspellings, mistakes in punctuation, glaring errors of fact. “I think the consensus of the college community is that the quality of the paper is very poor,” she said, “and Mr. Weinberg has done nothing to improve that.”

The *Vanguard* ruffled feathers on campus last year when it sued the college for the right to view campus crime reports, a case now on appeal. The paper also annoyed some faculty when it reported on a closed-door meeting on multiculturalism that, the paper said, deteriorated into a shouting match among professors.

Rivera-Matos also had criticized the paper’s coverage of a fight between Asian-American and African-American students and a story that portrayed a recent appointee to the board of trustees as a crony of the mayor.

Weinberg called the *Vanguard* “the most aggressive student newspaper in the city.” The president of the Delaware Valley Collegiate Press Association, which represents papers at twenty colleges and universities in the area, called it “the best” of the area’s community college papers “in terms of quality, content and dedication.” Reported in: *Philadelphia Inquirer*, June 8.

### **Towamencin, Pennsylvania**

At the *Knight Crier*, North Penn High School’s student newspaper, staffers were unhappy with what they called administrative censorship. Administrators ordered principal Juan Baughn to preread all articles, captions and briefs, to determine if they are fit. In an editorial in the May 25 issue, *Crier* editors called the action “insulting to the paper’s advisers and editors.”

“The administrators are overlooking that we have training on this in journalism class,” said editor Derrick Pillie. “They are not giving us credit for being able to decide what’s fit to print.”

Baughn was also unhappy with the new policy. “I feel it’s unnecessary,” he said. “It takes up a tremendous amount of my time. We have advisers and student editors, and in the past they would give me articles they felt would be a concern.”

The order came from Donald Venema, director of secondary education in the school district. He said the move would safeguard the district. The move was prompted in part by the publication of news of a personnel transfer before the school board gave its official approval to the move. Reported in: *Lansdale Reporter*, June 18.

### **Tyler, Texas**

Leaders of the Robert E. Lee High School newspaper accused the principal of censorship May 17 after he ordered changes made to a news story and refused to allow an editorial to run in the newspaper’s last edition of the school year. Principal Eddie Milham said he acted within his rights to edit the story because it “dealt with personnel issues that could not be discussed and also had the potential to damage students.”

A blank space ran on the first and second pages of the *Southern Accent*, where the story and editorial would have run. The story dealt with the election of officers of the Southern Belles Drill Team. After seven officers were elected, Milham ordered two additional girls be made officers, citing inequities in the election system. Tyler school district Superintendent Thomas Hagler reviewed the matter and reversed Milham’s decision.

Milham said he would have allowed a slightly rewritten version of the story to be published, but the editors would not agree. An editorial, signed by all eight newspaper staff members, accused Milham of censorship. The principal said the editorial also was “filled with misleading statements” and barred its publication. Reported in: *Tyler Courier Times*, May 18.

## **university**

### **San Francisco, California**

In the early hours of May 26, San Francisco State University painters, escorted by riot police, obliterated a controversial mural of Malcolm X because it contained symbols considered by university officials to be anti-Semitic. Arguing that it was not an infringement of free speech to remove emblems of bigotry on artwork the university itself had commissioned, President Robert A. Corrigan ordered the mural removed after student leaders failed to take action themselves.

The mural, painted on a university building and unveiled the previous week, included Stars of David inset with dollar signs — outraging Jewish students and highlighting ethnic divisions on the campus.

“This university absolutely will not tolerate expressions of hate,” Corrigan said. “Intolerance and prejudice are abhorrent to our deepest values as individuals and as a community.”

Some African-American students fought to keep the mural, twice rescuing it from campus paint crews before it was finally sanded off the wall of the student union. “Our intentions were not to hurt anyone,” said Troy Nkrumah, coordinator of the Pan African Student Union. “All art is open to interpretation.”

Legal experts and scholars echoed the view of university officials that, in this case, the constitutional right to

free expression did not apply because the mural was commissioned and paid for by the university. "You might not like the fact that they edited your message, but they have the legal right to decide what picture of the university they want to project," commented Stanford Law School Professor Thomas Grey. "There's no First Amendment issue there."

ACLU lawyers agreed, but Northern California director Dorothy Erlich said she was nonetheless disturbed by the university's conduct. "This controversy has exposed a great deal of tension and intolerance on campus, and it seems to me that simply painting over the offending remarks in the dead of night is not good enough," she said.

The controversy began when the mural was unveiled on what would have been Malcolm X's 69th birthday. Dominated by Malcolm's face, the ten-foot-tall mural included a yellow Star of David near the words "African blood," as well as the stars with dollar signs and skulls and crossbones along the border.

The first attack on the mural came the next day, when English professor Lois Lyles, who is African-American, protested by trying to paint the words "Stop Fascism" in red next to the mural. After a scuffle with supporters of the mural, she was arrested and charged with vandalism. "I wanted to write on that wall, 'stop Fascism,' to protest the anti-Semitic content of the mural," said Lyles. "Anti-Semitism is an insult to the black political movement."

Corrigan had hoped the Student Union Governing Board would take action to remove the offending symbols. But three times the panel was unable to muster a quorum amid charges that some members had been intimidated into not showing up. Finally, the president acted. Supporters of the mural twice washed off coats of paint applied by university painters, but finally the mural was removed with sanders and covered with gray paint.

"All this has been painful," Corrigan said, "but inaction would have been both more painful and morally insupportable." Reported in: *Los Angeles Times*, May 27.

## television

### Los Angeles, California

The two men shook hands, shared a long, meaningful look and moved toward each other in slow motion. But there was no gay kiss on the season finale of Fox Broadcasting Co.'s hit series, *Melrose Place*. When the scene was filmed, the character Matt Fielding kissed another man at the end of their first date. But producer Darren Star said the decision on whether the kiss would air was up to network executives.

When the show was broadcast, the camera cut away from the two men as their faces came together, and showed another character watching with a shocked expression from a window. The camera cut back to the two men as they moved apart.

Another series avoided showing a gay kiss this past television season. On CBS's *Northern Exposure*, the camera cut away after two men were pronounced married, and returned after the pair apparently had embraced. The producers said they avoided the kiss so it wouldn't cause controversy and detract from the story. But earlier in the year, on ABC's *Roseanne*, star Roseanne Arnold kissed guest star Mariel Hemingway in a gay bar. Reported in: *Baltimore Gay Paper*, June 3.

### Miami, Florida

In at least ten of south Florida's major tourist hotels, guests can order room service but they can't watch the evening news on Fox Network affiliate WSVN-TV, Channel 7. In a protest of the station's often sensational crime-driven news coverage, the hotels' management has blocked access to the channel in some 3,000 rooms in Miami, Fort Lauderdale and Key West.

The hoteliers charge that the station, which often leads its newscasts with reports from crime scenes, distorts the reality of south Florida and scares visitors. "It's body bags and blood, and the more blood the better it is," said Victor Farkas, who pulled the plug on all of WSVN's programming in his two North Miami Beach Hotels, thereby initiating the movement.

Robert Leider, executive vice president and general manager of Sunbeam Television Corporation, owner of WSVN, said the blackout would not change the station's newscasts. "It is our job to cover the news and we will not censor our newscast to placate the hotel industry," he said. Reported in: *Los Angeles Times*, June 9; *Miami Herald*, June 1; *St. Petersburg Times*, June 2.

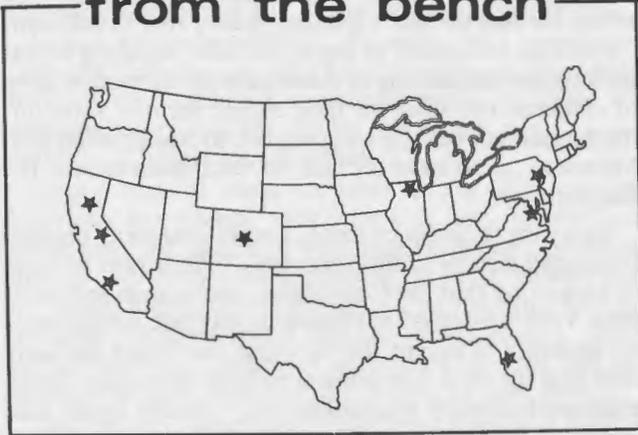
## rap music

### Philadelphia, Pennsylvania

A concert at a city-owned facility, featuring controversial rap performer Tupac Shakur, was canceled in June, sparking cries of censorship from music promoters and fans. The show, featuring Shakur and an assortment of other rappers, was scheduled for June 28, but, according to the mayor's office, the show's promoter had not obtained insurance required by the city. Nonetheless, the mayor's chief of staff David Cohen acknowledged that the cancellation was prompted by protest from at least one African-American women's group. Cohen said

(continued on page 176)

## from the bench



### U.S. Supreme Court

On June 30, the U.S. Supreme Court upheld the core of a Florida state court injunction intended to keep disruptive protesters from blocking access to an abortion clinic. The 6-3 ruling in *Madsen v. Women's Health Center*, written by Chief Justice William H. Rehnquist, balanced the right of patients and employees to unimpeded access to the abortion clinic against the protesters' right to free speech. The Court upheld a buffer zone of about 36 feet around the clinic in Melbourne, Florida, that kept protesters away from the entrance and parking lot and off a public right-of-way.

Rehnquist said the buffer zone "burdens no more speech than necessary to accomplish the governmental interest at stake." Under the same analysis, the Court also upheld a ban on excessive noise during the clinic's operating hours, finding the restrictions justified by the need to "insure the health and well-being of the patients at the clinic."

However, the ruling struck down as too broad and inadequately justified by the facts of the case a 300-foot buffer zone within which protesters could not make uninvited approaches to patients and employees, as well as a buffer of the same size around the houses of the clinic's doctors and staff members. The Court did indicate, however, that a smaller zone or restrictions on the size and duration of demonstrations at the houses would be constitutional.

Justice Antonin Scalia filed a bitter dissenting opinion signed by Justices Clarence Thomas and Anthony M. Kennedy. The three accused the majority of sacrificing important First Amendment interests to suppress "normal and peaceful social protest."

"The First Amendment is in grave peril," warned Scalia. Both from the bench and in his written opinion, he drew an analogy between the ruling and the Court's notorious and discredited 1944 decision that upheld the wartime internment of Japanese-Americans. "What was true of a misguided military order is true of a misguided trial court injunction," Scalia said.

With constitutional challenges filed to a new federal law designed to halt disruptions to the operation of abortion clinics (see page 164), the Florida case was closely watched for signs of how the Justices will respond. While there are significant differences between the Florida injunction and the new federal law, the tone of the Court's opinion suggested that any broad constitutional challenge to the Freedom of Access to Clinic Entrances Act was likely to fail.

The Florida injunction was one of dozens of similar injunctions issued by state and local judges around the country as abortion clinic operators turned to the courts for help with protracted, disruptive and sometimes violent protests. The injunction had been subject to two court challenges, with the Florida Supreme Court upholding it and the U.S. Court of Appeals for the Eleventh Circuit striking it down within weeks of one another last fall.

At the heart of the majority's constitutional analysis was the conclusion that the injunction was not directed at the message the anti-abortion demonstrators were trying to send. In their appeal, the protesters had argued that because the injunction had the effect of silencing only one side of the abortion debate, it violated the First Amendment by discriminating against speech on the basis of its content.

"We disagree," Rehnquist wrote, adding that to accept that argument "would be to classify virtually every injunction as content or viewpoint based." Instead, he said, injunctions are aimed at particular groups "because of the group's past actions in the context of a specific dispute between real parties."

Nevertheless, the majority argued, because injunctions do carry "greater risks of censorship and discriminatory application" than general statutes, they must meet a somewhat higher First Amendment test. While a law that regulates speech without regard to content need only be "narrowly tailored to serve a significant governmental interest," an injunction must meet the slightly higher test of burdening "no more speech than necessary to serve a significant governmental interest."

One member of the majority, Justice John Paul Stevens, disagreed with this analysis, holding that injunctions should be held to a lower First Amendment standard than general laws. He said he would have upheld the 300-foot buffer zone. Reported in: *New York Times*, July 1.

On June 27, the U.S. Supreme Court declared unconstitutional a public school district that New York State

created for the benefit of a village of ultra-Orthodox Jews. As a result of the 6-3 decision in *Board of Education v. Grumet*, the Kiryas Joel Village School District, established by a 1989 law for the benefit of the village's Satmar Hasidic residents, will now go out of existence. The district consisted of one building and was established to provide special education to children in the village who have disabilities; the rest of the village's children attend private religious schools.

In an opinion by Justice David H. Souter, the Court found that the law setting up the district amounted to impermissible favoritism toward religion in general and toward one sect in particular, in violation of the First Amendment's establishment clause.

The decision affirmed a 1993 ruling by the New York Court of Appeals, the state's highest court; all three state courts that considered the case found the district unconstitutional.

Souter emphasized the unusual nature of the district, which he called "exceptional to the point of singularity." But while the Court's opinion will have limited practical effect, any pronouncement by the Justices on the highly charged topic of church and state has wide implications beyond the particular case.

The broader message was mixed. The court's majority — Justices Harry A. Blackmun, John Paul Stevens, and Ruth Bader Ginsburg, who joined Souter's opinion in full; Justice Sandra Day O'Connor, who joined much of it; and Justice Anthony M. Kennedy, who concurred separately — adhered to a view of church-state separation that rejected the school district's expansive claim of its right to have its particular needs accommodated by government.

The three dissenters — Chief Justice William Rehnquist and Justices Antonin Scalia and Clarence Thomas — called for overruling a pair of 1985 decisions that prohibited public schools from sending teachers into parochial school classrooms to provide remedial education and other special services. In their separate concurring opinions, Justices O'Connor and Kennedy called for reconsidering those cases, making five votes for an almost certain repudiation of the precedents when a case that directly poses the question reaches the Court.

Writing for the dissenters, Scalia said that while the 1985 decisions were "hostile to our national tradition of accommodation," the ruling in this case "causes us to lose still further ground, and in the same anti-accommodationist direction." He said the decision "takes to new extremes a recent tendency in the opinions of this Court to turn the Establishment Clause into a repealer of our nation's tradition of religious toleration."

Scalia mocked the majority's conclusion that the law setting up the Kiryas Joel district amounted to an establishment of religion. "The Court today finds that the Powers That Be, up in Albany, have conspired to

effect an establishment of the Satmar Hasidim," he wrote. He said the sect's founder, Rabbi Joel Teitelbaum, "would be astounded to learn that after escaping brutal persecution and coming to America with the modest hope of religious toleration for their ascetic form of Judaism, the Satmar had become so powerful, so closely allied with Mammon, as to have become an 'establishment' of the Empire State."

Referring to Scalia by name, Souter's majority opinion responded directly to this argument. "The license he takes in suggesting that the Court holds the Satmar sect to be New York's established church is only one symptom of his inability to accept the fact that this Court has long held that the First Amendment reaches more than classic eighteenth-century establishments." Souter wrote that while "an Establishment Clause diminished to the dimensions acceptable to Justice Scalia could be enforced by a few simple rules," such an approach "would be as blind to history as to precedent."

Souter said that while religious communities are entitled "to pursue their own interests free from governmental interference," or even to have the government accommodate those interests by removing special burdens, the law creating the Kiryas Joel district had gone beyond those principles.

One reason the case was closely watched was the prospect that the Court might use it as a vehicle to announce a new general test for deciding church-state cases and to overrule the present governing test enunciated in the 1971 decision in *Lemon v. Kurtzman*. But as in several recent cases, the Court avoided that question, neither repudiating the "*Lemon* test" nor paying much attention to it. While a majority of the Justices are on record as expressing at least some doubt about the *Lemon* formula, there evidently remains no agreement on how to replace it. Reported in: *New York Times*, June 28.

On June 27, a deeply divided Supreme Court endorsed a broad framework for federal regulation of cable television, but stopped short of upholding the 1992 law that requires cable systems to retransmit the signals of local broadcasters.

Instead, the Justices held in a 5-4 decision that the government had to present more evidence to justify the law's assumption that the retransmission requirement was necessary to preserve the economic viability of broadcast television. The case was sent back to a special three-judge federal court, which upheld the law last year.

The split nature of the decision enabled both the cable and broadcast industries to claim a measure of victory. But it was clear that the broadcasters, despite being on the losing end of the decision in a technical sense had won a great deal. The one-vote majority accepted the rationale Congress had used in crafting what are known as "must

carry" rules, as well as the analysis that the special court applied in upholding the retransmission requirement.

Justice Kennedy said that the must-carry provisions "are justified by special characteristics of the cable medium: the bottleneck monopoly power exercised by cable operators and the danger this power poses to the viability of broadcast television."

Once a home is wired for cable, as are 60 percent of American households with television sets, viewers no longer have the option of watching broadcast television directly without special equipment. Instead, viewers are in practice limited to the offerings that the cable system provides. Congress found that the cable industry, competing with broadcasters for advertising revenue, had an incentive to limit broadcasters' access to their systems.

The 1992 law, which was passed over President Bush's veto, required most cable systems to devote a third of their capacity to carrying the signals of local commercial broadcast channels. If the number of local broadcast stations exceeds a third of a cable system's capacity, the system is not obliged to carry them all. A separate provision also provided guaranteed access for public television stations.

The cable industry went to court to challenge these provisions on First Amendment grounds, on the theory that the government could not interfere with cable operators' judgment by requiring the transmission of particular speech. A fast-track provision in the law sent the challenge to the special panel of three judges, with a direct appeal to the Supreme Court.

The case, *Turner Broadcasting v. Federal Communications Commission*, had broad theoretical implications. The Supreme Court had never defined a place for cable television along a First Amendment spectrum that gives the most complete constitutional protection to the press and much more limited protection to broadcasters, on the theory that the scarcity of broadcast frequencies makes regulation necessary.

Justice Kennedy concluded that because cable had no comparable physical limitations, the rationale for limited First Amendment protection applied to broadcasters did not apply to cable. This was only a limited, theoretical victory for the cable industry, however, because Kennedy relied on another rationale for justifying government interference with cable programming. Argued Kennedy: "Simply by virtue of its ownership of the essential pathway for cable speech, a cable operator can prevent its subscribers from obtaining access to programming it chooses to exclude. The potential for abuse of this private power over a central avenue of communication cannot be overlooked."

"The First Amendment's command that government not impede the freedom of speech does not disable the government from taking steps to insure that private interests not restrict, through physical control of a critical

pathway of communication, the free flow of information and ideas."

Kennedy's opinion was joined in full by Chief Justice Rehnquist and by Justices Blackmun and Souter. Justice Stevens joined the central part of the analysis, but wrote a separate opinion to say that the must-carry rules should be upheld without the requirement of further proceedings.

The dissenters were Justices O'Connor, Scalia, Thomas and Ginsburg. In an opinion written by O'Connor, they said the must-carry rules were "an impermissible restraint on the cable operators' editorial discretion as well as on the cable programmers' speech."

In the dissenting view, the government's choice to favor broadcasters by assuring them access to cable was inherently based on content. "The interest in insuring access to a multiplicity of diverse and antagonistic sources of information, no matter how praiseworthy, is directly tied to the content of what the speakers will likely say," O'Connor wrote. Reported in: *New York Times*, June 28.

The Supreme Court on May 31 gave a boost to the growing number of cities that enforce curfews for teenagers. The court unanimously rejected a challenge to a Dallas, Texas, law that generally requires people under 17 to be off the streets after 11 p.m. on weekdays and midnight on weekends.

Although the court did not explain its decision, in previous rulings the justices have said the First Amendment does not give teenagers a "generalized right of social association" that permits them to be out at all hours.

In an 8-1 vote, the justices refused May 31 to hear an appeal filed by anti-abortion activists who claimed their free-speech rights were violated when they were excluded from Frankfort, Kentucky's, annual Great Pumpkin Festival. The court implied that government-sponsored fairs, carnivals and parades can exclude groups whose message is inappropriate to the setting. Reported in: *St. Petersburg Times*, June 1.

## **schools**

### **Woodland, California**

The popular but controversial *Impressions* reading series for elementary school children does not promote witchcraft, the U.S. Court of Appeals for the Ninth Circuit ruled June 15. Religious conservatives had challenged the use of the textbooks in public schools, arguing that participatory activities in the materials denigrate Christianity.

The activities are "drawn from the folklore of diverse cultures," Judge Diarmuid O'Scannlain said in the 3-0 ruling. "An objective observer in the position of an elementary school student would not view them as religious rituals endorsing witchcraft." The court said the effect of school materials must be judged from an ob-

jective viewpoint, that of a reasonable schoolchild, rather than from the perspective of an individual student who happened to be offended. Otherwise, O'Scannlain concluded, "school curricula would be reduced to the lowest common denominator, permitting each student to become a 'curriculum review committee.'"

The suit was filed in 1991 by Douglas and Katharine Brown, whose children attended the Woodland Joint Unified School District. The suit was originally sponsored by the American Family Association, headed by the Rev. Donald Wildmon, but was taken over by the American Center for Law and Justice, affiliated with the Rev. Pat Robertson. Reported in: *San Francisco Examiner*, June 16; *Riverside Press-Enterprise*, June 16; *Wall Street Journal*, June 21.

## church and state

### Livingston, California

Schools do not have to allow Sikh students to wear a small dagger, considered a symbol of religious devotion, a federal judge ruled in May. School officials in Livingston refused to allow the knives, called kirpans, because both district and state regulations ban knives on school grounds. A Sikh family sued the district in April, claiming the policy placed an unlawful burden on their freedom of religion. Reported in: *Orlando Sentinel*, May 30.

### Tampa, Florida

The Polk County School Board violated a fifth grader's right to free speech two years ago when a principal confiscated religious material she was distributing on campus. The June 10 ruling by U.S. District Court Judge Robert Merhige held unconstitutional a board policy that banned material on school grounds that did not have the superintendent's advance approval. The "policy requiring that students obtain the review and approval of school officials prior to distributing any written material violates the free speech rights of students guaranteed by the First and Fourteenth Amendments." Reported in: *St. Petersburg Times*, June 13.

### Chicago, Illinois

A federal judge has declared Illinois' Good Friday public school holiday unconstitutional. The state-mandated holiday "conveys the impermissible message that Christianity is a favored religion within the state of Illinois," U.S. District Court Judge Ann Williams said in a ruling released May 31. Williams barred the state from observing the school holiday, created by the Legislature in 1941. Reported in: *Orlando Sentinel*, June 2.

## publishing

### Los Angeles, California

Deciding a case that pitted free speech protections against sexual harassment safeguards, a federal judge on June 9 struck down a Los Angeles County policy that banned *Playboy* magazine from firehouses. U.S. District Court Judge Stephen Wilson said the county failed to show that "quiet reading" of *Playboy* during a firefighter's "hours of relaxation" creates a sexually harassing atmosphere in the workplace.

Wilson said the Los Angeles County Fire Department policy violated the First Amendment rights of Steven Johnson, the fire captain who filed the suit. Johnson hailed the decision as "a win for both sides. I respect people's right not to like magazines like *Playboy*," Johnson said. "But I want others to respect my right to look at the magazine."

Tammy Bruce, president of the Los Angeles chapter of the National Organization for Women, condemned the ruling, saying it sent a message that the courts care less about a woman's work environment than Johnson's need to see *Playboy*. "The court system still has a lot to learn," Bruce said. "The workplace is not a free marketplace of ideas." Reported in: *Chicago Tribune*, June 10.

## child pornography

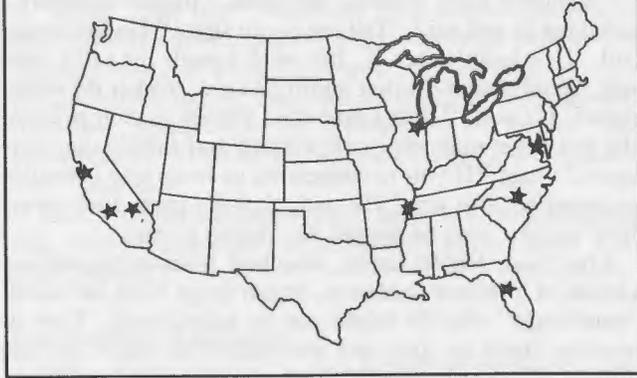
### Philadelphia, Pennsylvania

A federal appeals court affirmed a conviction in a child pornography case that produced an uproar in Congress and divided the Clinton Administration over the Justice Department's interpretation of a child pornography law. At issue was the conviction in 1991 of Steven Knox on charges of receiving three videotapes in the mail showing preteen and teenage girls in bathing suits, leotards or underwear. Knox argued that the tapes were not obscene because the girls were clothed, although they were posed provocatively with the camera focused on their genital areas.

The U.S. Supreme Court sent the case back to the U.S. Court of Appeals for the Third Circuit last fall after the Justice Department argued that the videos did not meet the law's definition of obscenity (see *Newsletter*, January 1994, p. 21, 27). The appellate court ruled on June 9, however, that the child pornography statute had "no nudity or discernibility requirement" and that depictions like those in the videotapes qualified as "lascivious." The appeals court also denied a request by the Justice Department for a new trial for Knox.

(continued on page 175)

## is it legal?



### **schools**

#### **Tavares, Florida**

The Lake County Education Association filed suit May 24 against the Lake County School Board's newly adopted policy that requires instructors to teach that American culture is superior to all others. The suit, to be heard in Circuit Court in Lake County, charges that the nationally publicized policy violates state law and the U.S. Constitution by restricting what teachers can teach.

The School Board voted 3-2 on May 10 to adopt the one-paragraph policy statement requiring teachers to "instill in our students an appreciation of our American heritage and culture, such as our republican form of government, capitalism, a free enterprise system, patriotism, strong family values, freedom of religion and other basic values that are superior to other foreign or historic cultures."

"They want to start from a conclusion — that America is superior to all other nations — and then work backward to support it," union President Gail Burry said. "That's not education. That's indoctrination. That's how countries like Cuba, China and Haiti operate their educational systems. Do we really want to imitate them?"

At its scheduled meeting that evening, the school board did not discuss the suit, but board members accepted a petition signed by 247 Mount Dora Middle School students who opposed the policy. "The decision the School Board has made is politically incorrect," said Mount Dora student Misty Williams, who presented the petition. "It discriminates against many of us."

The union is seeking an injunction to prevent the policy from being carried out. The suit contends that if the

policy is implemented, "the seeds of prejudice toward 'non-American' cultures and people" will be planted in the minds of Lake County students.

School Board Chair Pat Hart, who says she wrote the policy, said she wanted to make certain that America got as much attention as other countries. "With the infusion of multiculturalism, due emphasis needs to be placed on our American culture," she said. "I think the residents of Florida should be shocked by the union thinking it's against the law to teach children that America is the best nation in the world."

The suit alleges that the policy violates the state's multicultural education law. "This superiority policy is not the kind of values I teach my children at home and I do not want the school force-feeding their narrow-minded views to my children," said Dale LaRue, whose four children are plaintiffs in the action. Reported in: *Orlando Sentinel*, May 25; *St. Petersburg Times*, May 25.

#### **Boone, North Carolina**

The father of Moriah Marsh, a third grader at Watauga County Elementary School, filed suit in April alleging that the County Board of Education encourages policies that intimidate Christians. On May 19, Moriah began reading her Bible during free reading time, the lawsuit says. Another student became interested and the two read together. When the teacher saw them, she ordered Moriah to put the Bible away and never bring it to school again.

The child was then given *Mountain Jack Tales*, by Gaile Haley, a book of folk tales that the lawsuit charges were "tales of demons, death, witch's spells, magic waters, violent physical abuse and beastly pictures of nightmare images."

"It was full of hideous things," Mrs. Marsh said. "It was something we would have never allowed her to read."

The suit claims that Moriah's rights of free speech and free exercise of religion gave her the right to read the Bible during free reading time. It says that, instead of staying neutral toward religion, teachers have taught yoga and meditation, and have used lectures and films promoting Hinduism, shamanism, secular humanism and Buddhism in class.

"The Watauga County Board of Education has negligently encouraged counseling programs, reading programs, grading schemes and curriculum which have recklessly caused sweeping changes in the religious, psychological and socialization training of the children," the lawsuit charges. It asks for damages in excess of \$10,000 for "serious emotional distress and mental anguish." Reported in: *Raleigh News & Observer*, May 25.

## student press

### Washington, D.C.

If it wasn't clear before, it is now: stealing free newspapers is a crime in the state of Maryland. Governor William Donald Schaefer signed a law May 26 that explicitly prohibits individuals from taking "complimentary" newspapers if done "with the intent to prevent other individuals from reading the newspapers." Those who violate the law can be fined, jailed or both. The law is the first of its kind in the country.

State lawmakers proposed the legislation following a rash of newspaper thefts in Maryland, including the theft of student newspapers at the University of Maryland, College Park; Johns Hopkins University; and the University of Maryland, Baltimore County. Although not related, all of these incidents were the result of student minority groups upset with particular stories or articles in the newspapers.

The theft of campus newspapers reached an all-time high during the 1993-94 school year. According to figures compiled by the Student Press Law Center, 35 student newspapers across the country reported thefts during the year. Reported by: Student Press Law Center, May 31.

## universities

### Stanford, California

Nine students at Stanford University sued the institution in May to overturn a four-year-old speech code that bans verbal insults involving race, religion, or sexual orientation. The suit said the code "permanently damages the quality of education" at Stanford by "artificially chilling open discussion of important issues." It said the ban violates students' constitutional rights to free speech as well as a California law passed in 1992 that gives students at private universities the same rights as those at public universities. Reported in: *Chronicle of Higher Education*, May 11.

### Evanston, Illinois

Jack Hafferkamp was an instructor for the past seven years at Northwestern University's Medill School of Journalism. He's not anymore, and the reason seems to be his work since 1988 as copublisher of *Libido: The Journal of Sex and Sensibility*, an academic quarterly.

Hafferkamp's first intimation that he was in trouble at Northwestern came after he appeared last winter in the HBO television series "Real Sex." An eight-minute segment, shot in Chicago, included still photographs of Hafferkamp and his lifelong partner and coeditor disrobed and fondling against a background of sound bites taped elsewhere, the last of which had Hafferkamp

saying ". . . and I teach graduate students at the Medill School of Journalism."

"A month after it aired, the dean, Michael Janeway, called me in and said, 'Tell me about this,'" Hafferkamp said. "He hadn't seen it. But he'd heard. So I did. He said, 'Well, never do that again.' I said, 'Never do what again?' He said, 'I don't care what you do in your private life, but never mention Northwestern and *Libido* together again.' I said, 'If you're suggesting in some way I should be ashamed, I'm not.' He said, 'I don't care. Just never do it again,' and he waved his finger at me."

After that, Hafferkamp, who had been employed on a series of one-year contracts, began to get what he called "rumblings" that he might not be asked back. Then a reporter from an arts and entertainment insert to the student newspaper asked if she could interview him about his work with *Libido*.

"I said I'd agree to it only if HBO wasn't mentioned," Hafferkamp said. "I said, 'I'm not looking for trouble, not looking to be fired.' I sent a note to [Janeway], saying there was going to be a story, but it shouldn't be a big deal." But, he added, "when it appeared, HBO was prominently mentioned and there were about eight million photos."

In early June, the professor received a letter from Janeway. "I'm sorry to report that we won't be calling on you for teaching in the coming academic year," the dean wrote, alluding to moves the university was making to phase out short-term contract employees in favor of permanent faculty.

"They should come forth with some explanation," said Burton Joseph, Hafferkamp's attorney, referring to a legal maxim that "if there is no problem before an incident, and a problem after, there is an assumption that the incident caused the problem." There was "no question about Jack Hafferkamp's ability as a teacher," Joseph said. "His publication was fully protected by the First Amendment. He shouldn't be punished for exercising his right of free expression." Reported in: *Chicago Tribune*, July 1.

## media violence

### Hemet, California

A video store in Hemet has been hit with a \$4.6 million wrongful death and breach of contract lawsuit by the parents of a teenager who committed suicide after allegedly watching a copy of *The Worst of Faces of Death*, rented from the store. Howard and Colleen Darling have sued Video Express and its owner, Michael Hardy, claiming that their son, Jacob Simpson, 16, hanged himself with a belt on March 4, 1993, two days after viewing the video.

The suit alleges Video Express and Hardy were aware that Simpson had a history of mental problems and that a "block" had been placed on their account to restrict their children from renting videos without permission. The Darlings had a specific agreement with the store not to rent movies to their son without the store checking with them first, said the attorney representing the family. "For some reason, when he rented the movie, [Hardy] didn't call," she said.

Hardy denied having any such agreement with the Darlings, who he knew only as customers. Reported in: *Take Two*, May 22.

### **Los Angeles, California**

ABC, CBS, NBC and Fox television networks have commissioned UCLA's Center on Communications Policy to issue annual reports on television violence, beginning with the Fall 1994 TV season, the networks announced June 29. The monitoring effort, which will analyze violence in context rather than count individual acts, was the latest step taken by the networks to head off federal regulation.

It was undertaken at the behest of Sen. Paul Simon (D-IL), a leading critic of TV violence, who praised the broadcasters for their willingness to regulate themselves. "What we're seeing here is the beginnings of a cultural change in the depiction and glorification of violence," Simon said.

UCLA was chosen as the independent monitor because the Center for Communications Policy promised to study the depiction of violence on individual shows, rather than merely count incidents of violence as past studies have done.

"This project really represents a new way of looking at an old problem," said Jeffrey Cole, director of the center. "We operate on the assumption that violence itself is not necessarily bad. You have to look at the context. I don't think anyone would argue that all violence, per se, should be eliminated."

The violence report will focus on the prime-time schedules of the four networks, including series, TV movies and miniseries, and will also include Saturday morning children's programs. To compare violence on the broadcast networks to other sources, the study will also investigate syndicated programs, cable programs, commercials and video games. The assessment will take into account such factors as the extent and nature of the violence, the motivation for the violence, the relevance of the violence to plot and character development, the consequences of the violence, and the time of airing. Reported in: *Orange County Register*, June 30.

### **Washington, D.C.**

MediaScope, a nonprofit California-based organization that presses the entertainment industry to take a

"pro-social" tack, has been selected by the cable television industry to monitor its programming for violent content and provide a report card on it to the public. The selection was announced May 17 by Winston H. Cox, CEO of Showtime and head of the Satellite Network Committee of the National Cable Television Association.

MediaScope will review four random weeks of programming chosen from September, October, November and January for each of the next three seasons. A total of 25 channels will be monitored, including twelve basic cable channels, five premium channels, and three local independent stations. More than 2,700 hours per season will be monitored.

MediaScope, created two years ago, has concentrated on the issue of television violence, trying to work with the creative community to get story lines and scripts to take socially responsible positions. The monitoring operation, which will cost the cable industry about \$1 million annually, will be run by Marcy Kelly, president of the company. In addition, four university professors who have been active in research on violence and television will head up sections of the research at their respective schools.

They are Edward Donnerstein of the University of California, Santa Barbara; Ellen Wartella of the University of Texas at Austin; Jane Cantor of the University of Wisconsin at Madison; and Frank Biocca of the University of North Carolina at Chapel Hill. A monitoring council of thirteen experts will oversee the program.

The monitoring is designed to:

- Define what "constitutes an act of violence," and develop "an elaborate system that distinguishes the nature of each violent act coded" and "assess the context" in which violence is portrayed.
- Assess the use of ratings, advisories and scheduling of programs with violent content.
- Use test groups of children and adults to determine what an advisory would have them believe is the content of the program and the effect of the advisory on the likelihood of their viewing that program.
- Review the impact on young children of the cable industry's educational initiatives. Reported in: *Washington Post*, May 17.

### **Washington, D.C.**

The computer games industry will develop a ratings system to voluntarily label the sex and violence content of about 2,000 new games that come to market each year, the industry's principal trade group announced June 14. The Software Publishers Association said it would work with four other computer software groups to develop ratings criteria and symbols. Ken Wasch, executive director of the association, said the group also would try to coordinate its ratings with those of video game makers.

Under the plan, the industry will not rate some 5,000 computer games already in stores. The plan would cover new games sold on floppy disks as well as CD-ROMs. The video games industry is developing its own set of ratings criteria. Wal-Mart Stores, Toys R Us, and Babbage's have said they will carry only rated games. Reported in: *Chicago Tribune*, June 15.

## abortion

### Alexandria, Virginia

A federal judge rejected an anti-abortion group's arguments June 17 and upheld a new law that bars protesters from blocking the entrances of abortion clinics. The ruling was the first to come out of several challenges anti-abortion activists have filed against the Freedom of Access to Clinic Entrances Act, signed into law May 26 by President Clinton.

U.S. District Court Judge Leonie Brinkema of Alexandria rejected the American Life League's claim that the law is biased and too vague and violates First Amendment guarantees of free speech. She said the law was clearly directed only at those who threaten violence, commit violence or physically block an abortion clinic door.

The law makes it a crime to block access to clinics, damage their property or injure or intimidate patients and staff. Approved by the Senate 69-30 after a 241-174 House vote, it calls for jail terms and stiff fines. It was enacted after the Supreme Court ruled in 1993 that an 1871 civil rights law could not be used to halt anti-abortion protests and a Justice Department review concluded existing statutes were inadequate to deal with the growing problem.

Another challenge to the new law was filed in Orlando, Florida, by two women who have participated in sidewalk demonstrations outside clinics in Orlando and Melbourne, Florida, for years. One of the women was party to a suit challenging an injunction limiting demonstrations upheld by the U.S. Supreme Court on June 30 (see page 157).

Abortion opponents have attacked the law as vague and a "blatant attempt to criminalize Christian activity." Flip Benham, director of Operation Rescue National in Dallas, said the law was "intended to get the Christian message off the street." But supporters say the legislation was aimed not at speech, but at the physical force and intimidation that some protesters have aimed at women using clinics and the people who work there. The constitutionality of the law is expected to ultimately be decided by the U.S. Supreme Court. Reported in: *Orlando Sentinel*, May 13, June 3; *St. Petersburg Times*, May 27; *Miami Herald*, June 18.

## computer pornography

### Memphis, Tennessee

A San Francisco Bay Area couple were convicted of distributing pornography via computer July 28 in a case that raised questions about how to apply federal obscenity law on the information superhighway. Robert and Carleen Thomas were each convicted of eleven counts of transmitting obscenity through interstate phone lines via their members-only computer bulletin board. Each count carries up to five years in prison and a \$250,000 fine.

During the weeklong trial, jurors were shown photographs carried over the Thomases' bulletin board featuring scenes of bestiality and other sexual fetishes. The images were available, for a fee, to computer users around the world.

A postal inspector testified that he joined the bulletin board under a fake name and received sexually explicit pictures in his computer in Memphis. The defense argued unsuccessfully before trial that prosecutors had shopped around for a place to try the case, looking for a city where a conservative jury might be found.

"This case would never have gone to trial in California," said defense attorney Richard Williams. Assistant U.S. Attorney Dan Newsom said the trial was held in Memphis because pictures carried on the bulletin board were received there.

The trial raised questions about the 1973 U.S. Supreme Court decision in *Miller v. California*, which established that obscenity must be judged according to local community standards. The trial marked the first time prosecutors in an obscenity case went after computer bulletin board operators in the locale where the material was received, rather than where it originated.

The defense argued that the Thomases' bulletin board was voluntary, private communication between adults who knew what they were getting and paid for it. Reported in: *San Francisco Chronicle*, July 29.

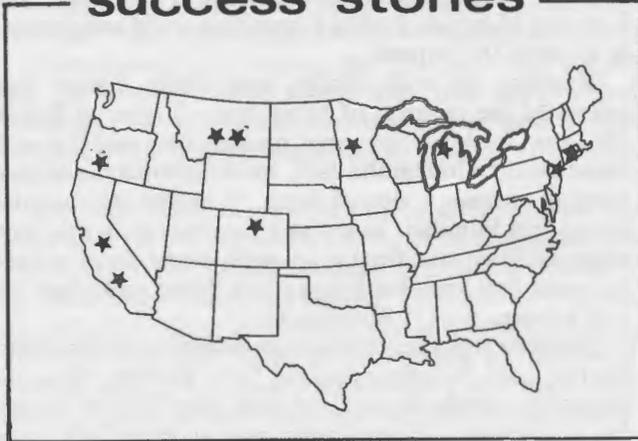
## art

### Menlo Park, California

An internationally known San Francisco artist has sued the city of Menlo Park for censoring her nude sculptures by covering them with Post-It notes and then forcing her to remove pieces. Zoravia Bettiol, a Brazilian who lives in San Francisco, filed suit May 25 in U.S. District Court charging Menlo Park officials with breach of contract and violation of her First Amendment rights.

The suit claims city officials moved three of her art works from an exhibit in Menlo Park City Hall after a City Hall employee complained that the nudity violated the city's policy against sexual harassment. Reported in: *San Francisco Examiner*, May 26. □

## success stories



### libraries

#### Estes Park, Colorado

*One in Ten*, a book written by homosexual teenagers, withstood protests from local parents and will remain on the shelves of the Estes Park Public Library. The library's board of trustees voted 5-1, with one abstention, June 6 against banning the book. Estes Valley residents Pat Kuhns and Carole Wicklund had challenged the book for its graphic content. "I don't know that I appreciate a book that is written by a bunch of juveniles about their sexual experiences that is very graphic," Wicklund told board members.

In her written request to remove the book from library shelves, Wicklund said *One in Ten* "encourages sexual promiscuity in pre-teens." She also objected to a chapter that detailed a 16-year-old's first homosexual experience with her dance teacher and several other passages because they depicted adults sexually "exploiting" children.

Library Director Judy Hoxsey defended the book, which she added to the collection in 1993, as a good source of information for gay teenagers. "I felt this is a book that could save lives by offering support to gay and lesbian teens," she said.

The board members who voted against banning the book said such a move could become a precedent for future book bannings. "Starting censorship in the library is a very difficult thing to do and I wouldn't want to start it over this book," said board member Dennis McHenry.

Board member and parent Katie Miller acknowledged that she wouldn't want her children to read the book, but supported keeping it in the library. "I don't think it's for me to decide for other people's children," she said.

The board briefly considered requiring children to ask their parents for permission before checking out the book. "I doubt there would be any gay or lesbian teenagers who would be brave enough to ask their parents to check out this book," Hoxsey said. Board member Allan Wasson said the move would be equivalent to a ban and the suggestion was dropped. Reported in: *Estes Park Trail-Gazette*, June 8.

#### Guilford, Connecticut

The Guilford Free Library Board of Directors voted unanimously June 16 to reaffirm the library's circulation and book selection policies which allow all patrons access to all library materials. Parent Vivian Blaha had asked the board to consider a policy that would restrict children from access to sexually explicit materials.

"The library has a responsibility to make people aware of the fact there is sexually explicit material available to children," Blaha said. "I do believe they need to assume some responsibility." Blaha began circulating a petition against library policy after she found her 11-year-old son, 9-year-old daughter and their 10-year-old friend reading *The Joy of Sex*, by Alex Comfort, which they had checked out of the library.

"I was not aware material like this was available to children from what I thought was a safe haven in town," Blaha said. "I feel safer letting my children go to a pornography store because I know the guy will say 'you're too young, get out of here.' I don't want this to happen to any other child. I just want the library to accept responsibility."

"The library is still a safe place for her children," responded Library Director Sandy Ruoff. She said the library has a book selection policy applicable to all ages and subscribes to ALA's *Library Bill of Rights*. The library has defined departments for children's, young adult, and adult books. But "if someone is 8 or 88, they have access to every part of the library," Ruoff explained. Reported in: *Shore Line Times*, June 22.

#### Portage, Michigan

Reaffirming the Portage Public Library's mission to provide a diverse range of materials, the library board on March 24 decided unanimously that it would not change its policy on how magazines are displayed. Library patron Valerie Rineveld had asked that magazines be placed in binders without transparent covers after she saw two boys looking at the cover of *Esquire's* January issue, which featured a partly nude woman whose breasts were cupped by a man's hands.

"There are things we could do, but [they] would make the library repressive and restrictive," concluded Pam Rooney, chair of the library board. "We don't want to do that."

"I believe it would be the first step toward censorship," added board member Alan McDowell. Reported in: *Kalamazoo Gazette*, March 25.

#### **Minnetonka, Minnesota**

*The Arizona Kid*, by Ron Koertge, which was removed from a seventh-grade classroom in March (see *Newsletter*, July 1994, p. 114), will remain in Minnetonka school media centers. The Minnetonka school board voted 4-2, with one abstention, June 2 to affirm a unanimous recommendation from a ten-member staff and parent committee. The board action came after two hours of spirited discussion involving board members and the public.

In March, parent Bill Hardenbergh complained about the book after learning his daughter was reading it as part of an English class project at Minnetonka Middle School West. The district then pulled the book from the classroom and media centers, and referred the complaint to the district's Materials Selection and Reevaluation Review Committee.

On June 2, Hardenbergh submitted a petition to the board with the names of two hundred people opposed to having the book in middle school media centers. He said that while collecting signatures only three people declined to sign the petition. The book centers on a boy's summer experiences with his uncle and contains obscene language and references to AIDS, homosexuality and sex. Reported in: *Minnetonka Sun-Sailor*, June 8.

#### **Billings, Montana**

Despite an appeal from parents, and the words "boobs," "ass," and "smoldering kisses" emblazoned on pickets in the audience, Billings School District 2 trustees upheld a decision June 13 not to remove *The Wicked Stepdog*, by Carol Lea Benjamin, from the district's library shelves.

Joe and Charlotte Nedens had appealed a district committee's decision not to remove the book. They complained that their third-grade son brought the book home from Newman Elementary School and was upset by its language and content. The book is about a twelve-year-old girl who tries to deal with her father's divorce and remarriage (see *Newsletter*, July 1994, p. 110). On April 26, a media review committee at the school determined that while the book's cover might attract younger readers, its content was appropriate. Reported in: *Billings Gazette*, June 14.

#### **Bozeman, Montana**

It was a lonely night May 19 for three parents who wanted to remove a book from the Whittier Elementary School library. At a public hearing, Randy Wronko, who represented the complaining parents, was the only one of thirty speakers to favor pulling the book. After an hour

of public comment and another hour of discussion, the Learning Materials Review Committee voted unanimously to deny the request.

Wronko, his wife Margi, and Shelle Egbert had requested the removal of *More Scary Stories to Tell in the Dark*, by Alvin Schwartz, because they said it would cause children to fear the dark, have nightmares and give them an unrealistic view of death. "I believe this material brings fear into their hearts and particularly in this time when children are fearful to walk home from school knowing that somebody in a truck might pick them up and kidnap them," Wronko said.

The book is in every elementary school in the Bozeman district, said Whittier principal Sally Richter. "It is an extremely popular book," she said. The Whittier library has nine copies. "Several years ago, when we had fewer copies, we found we had a waiting list."

Among those defending the book at the hearing was sixth-grader Peri Bauerle, who said, "I think it is fair that the parents don't want *their* children reading it. But they shouldn't take the privilege away from all children — the privilege to read." Reported in: *Bozeman Daily Chronicle*, May 20.

#### **Queens, New York**

In 1993, the Queens District 24 School Board made headlines when it refused to accept a "Rainbow Curriculum" for first grade because of its reference to gay families and a resource list of books dealing with such families, including *Daddy's Roommate*, by Michael Willhoite, and *Heather Has Two Mommies*, by Leslea Newman.

On May 19, however, the same school board completely rejected a motion of a new board member, Frank Borzellieri, who wanted to ban "anti-American" books from public school libraries. Among the specific titles he was determined to remove were *Young Martin's Promise*, a biography of Martin Luther King, Jr., by Walter Dean Myers; *I Hate English*, by Ellen Levine; *Jambo Means Hello*, by Muriel Feelings; and *Crow Boy*, by Taro Yashima (see *Newsletter*, July 1994, p. 110-111).

Although Borzellieri's proposal was rejected by the District Superintendent, who maintained that the books were "educationally sound" and therefore ineligible for removal by the district board, all eight other board members publicly disassociated themselves from the proposal and board chair Mary Crowley removed him as head of the curriculum committee. With about five hundred people, including several of the authors and leading public figures, in attendance, no speakers supported Borzellieri's position.

#### **Roseburg, Oregon**

A horror novel by Stephen King will remain in the Roseburg High School library despite a parent's

complaint that the book contains "extreme, bloodthirsty violence." The school board voted 4-0 May 11 to uphold a review committee's finding that *The Dark Half* should not be removed. The board also told high school administrators to remind parents that they have a right to request that specific books not be loaned to their own children.

Tim Juett asked the district in January to remove the book after his son borrowed it from the library and wrote a report on it for his English class. In a January 26 letter to school board chair Paul Bentley, Juett said he objected to the book's vulgar language as well as its "bloodthirsty, demonic violence." A six person review committee of parents, teachers, Library Supervisor Cheri Page, and Bentley agreed unanimously that the book should remain on the shelves.

"Although there is some offensive language and graphic violence, it is overshadowed by the quality of the writing and the sophistication of the story line," Page wrote. Reported in: *Roseburg News-Review*, May 12.

## **schools**

### **Paso Robles, California**

A book called "pornographic" by some Paso Robles High School students withstood a review board's scrutiny and was not recommended for removal from the school's reading list. A committee of teachers and administrators found that *The House of the Spirits*, by Isabel Allende, is appropriate for inclusion on the list.

While the committee's findings, which were included in a hundred-page report to Superintendent Julian Crocker, were only a recommendation, Crocker was not expected to disregard the committee's guidance.

*House of the Spirits* was assigned as part of a twelfth-grade advanced placement English class, as well as a World Literature class, the year before. It was challenged by senior Tadlee Welty and two other students as "both graphic and pornographic." Welty, who was in both classes, was given alternative readings in accordance with district policy. Reported in: *Paso Robles Country News*, April 27, June 8.

## **foreign**

### **Manila, Philippines**

Philippine censors lifted a ban on the Oscar-winning Spanish movie *Belle Epoque*, but gave the sex comedy an adults-only rating. In a 3-2 vote, the appeals panel of the Movie and Television Review and Classification Board on June 16 overturned an earlier decision to ban the film, the third Oscar-winning movie of 1994 to be banned by the censor. Reported in: *Chicago Sun-Times*, June 18. □

# **SUPPORT THE FREEDOM TO READ**

*(censorship pressures . . . from page 135)*

Thankfully, common sense prevailed. Newspapers across the country jeered Mrs. White, and Indiana's state superintendent of schools ruled that Robin Hood could stay. The story, he declared, was not subversive.

We can look back at some of the extremes of the McCarthy era and laugh today. But our laugh should be tinged with a certain amount of nervousness. We are 40 years removed from Mrs. White, and while nobody's gunning for Robin Hood today, we still have significant censorship problems in our public libraries. In fact, libraries are more and more becoming the focal point of attacks by the religious right.

Item: In Cleveland, Tenn., Kathey Hollifield, the head of a local branch of Concerned Women for America, checked out 18 books dealing with sex, AIDS and "the occult," and then refused to return them. Under duress, the woman eventually did return the books, but then asked a grand jury to look into the matter. When that failed, Hollifield launched a campaign to have the head librarian fired.

A local radio preacher sought to fan the flames of hysteria. He thundered: "If there are adults in this city that need to go to the library to get this kind of garbage, the sheriff's department needs their addresses."

Item: In Lawrence, Kansas, a local man asked the library board to take the book *Daddy's Roommate* out of the children's section and put it in adult non-fiction. The library board initially rejected the request, but, under pressure from the county executive, reversed its vote and moved the book.

Item: Even a supposedly progressive area, such as the Washington, D.C., area, where I live, is not immune to such attacks. In Fairfax County, VA, and Montgomery County, MD, bands of ultra-conservative fundamentalists have attacked public libraries and demanded that free gay newspapers be removed or placed on some type of restricted access. In Fairfax, censorship advocates pressured the county board of supervisors to pass a resolution condemning the library for voting to continue offering the publications. In Montgomery County,

religious right activists have taken to visiting the library early in the day and carting off all the copies of the offending paper.

I'm just scratching the surface with these stories. I'm sure many of you in this room know of similar incidents from all over the country. My point is, the religious right is on the march again. They're taking over units of the Republican Party at the state and local level. They're raising huge sums of money by holding up Bill and Hillary Clinton to ridicule and attacking "the liberals" and "secular humanists" they say have infiltrated all aspects of American society. They are backing extremist political candidates such as Oliver North in Virginia and pushing candidates for local offices such as school boards and county commissions.

While much of the religious right's venom is reserved for public schools, it was inevitable they would direct some of it toward public libraries. Why? Because libraries are a lot like public schools in at least three important ways:

- Libraries are publicly funded. This gives the religious right the angle it needs to go on the attack under the guise of being "concerned taxpayers." You know this argument: We pay for those. We don't want our money used to buy "pornography" or "anti-Christian" material.
- Libraries serve children. This gives the religious right the ability to claim it is defending the virtue of innocent children. "We don't want our kids exposed to that filth," "We're standing up for the rights of parents," etc.
- Libraries contain materials that seek to teach people the skill of critical thinking. And this is the main reason why the religious right fears libraries and seeks to neutralize them. People who know how to think critically are much less likely to buy into the religious right's simplistic answers about religious and political questions.

Attacks on libraries fit nicely into other aspects of the religious right's activity today:

- The religious right has placed a new emphasis on local politics. The 1980s taught the religious right a bitter lesson: You can't take power from the top down. Their focus now is on local, grassroots politics with the aim of taking power from the bottom up. Focusing on libraries is a good way to emphasize this grassroots strategy.
- Another aspect of this strategy is to work almost exclusively within the Republican Party to press their political goals. You can expect to see resolutions criticizing libraries or their access policies coming out of state or local Republican parties. In some cases, GOP candidates may choose to make libraries an issue.
- The religious right is searching for the issue that sways the "soft middle." In other words, they are always looking for an issue to bring the undecided or "on the

fence" voters into their camp. Gay rights is their current hot topic of choice, but attacking library policies may also bear good fruit for them.

Who are they? Leading groups are: Concerned Women for America, the Eagle Forum, Citizens for Excellence in Education, the Christian Coalition and Focus on the Family. Each of these organizations maintains a network of local chapters. In addition, there are several organizations, some affiliated with the aforementioned groups, which exist to bring legal pressure by engaging in litigation over issues of free speech and religious freedom. They include the American Center for Law and Justice and the Rutherford Institute. Pat Robertson, head of the Christian Coalition, with whom ACLJ is affiliated, is now the top leader of the religious right.

Current tactics of the religious right's anti-library campaigns include: challenges against occult materials—anything that so much as mentions witches or magic is a target; challenges against books about sex; challenges against books containing profanity—sometimes one word or one page is enough to incite a challenge; and challenges against free publications made available at the library.

These tactics are bad enough, but they are not the only ones librarians should be concerned about. These are examples of attacks from the outside. You also need to be aware of attacks from within. There is less attention paid to the religious rights's use of this strategy, but that doesn't mean it's not a problem.

What the religious right can't change externally it seeks to take over from inside. Look at the public school model. Unable to change Supreme Court rulings on issues like formal prayer in school and creationism, religious right activists are running for—and in many cases winning—school board seats. At the same time, organizations like Focus on the Family and the Christian Educators Association drill sympathetic public school teachers in the best techniques for slipping fundamentalist dogma into the classroom.

Libraries face the same threat. Aggressive fundamentalists are entering the field, determined to reshape library policies and police the stacks for "offensive" materials. At the same time, religious right activists are running for seats on library advisory boards around the country.

Don't think religious rights activists aren't making headway into this profession. All I have is anecdotal evidence so far, but it is interesting.

I have a friend who just completed an MLS degree at the University of Pittsburgh. When I was invited to speak here, I called him and asked him to tell about his experiences in library school, specifically, what could he tell me about the people in his classes. Did they seem to have a real commitment to open access to library materials, especially anything that might be deemed controversial?

His response first shocked me, then it depressed me. Many people in his classes, he said, clearly had no commitment to the idea of free access, a point outlined in the ALA's *Library Bill of Rights*. Professors often challenged the class members with hypothetical situations concerning material that might be deemed controversial by certain groups. Lots of students were ready to side with the would-be censors.

Worse yet, their reasons for banning such materials were not well thought out or well articulated. One student was asked what she would do if a local religious group protested a work of fiction for its sexual content. "I'd remove it," she said. When the professor asked why, she replied, "I just don't think the library should have that type of stuff." Another student talked about her personal religious values and how they would influence her decision about what to put on the shelves.

I asked my friend what he thought about this. I could hear the resignation in his voice as he replied, "I just feel sorry for the communities that get those people working in their libraries."

There is also a magazine called *The Christian Librarian*. In one recent issue, a librarian wrote a lengthy article titled "In Defense of Censorship." Censorship is not bad, he argued, because the average person practices it all of the time by declining to read certain books or magazines or watch certain TV shows. The author also asserts that "suppression of evil ideas, words and actions" is a central tenet of the scripture and is, therefore, a valid goal for librarians to pursue. Lastly, he asserts that since freedom of speech comes from God, it may be exercised only within "the Judeo-Christian tradition." This phrase, by the way, is sort of code for "Christianity as we define it." It has little to do with anything *Judeo*, but that part is thrown in for public consumption. And of course, there are many Christians who disagree with Fundamentalist theology and are offended by the positions taken by the religious right in the name of Christianity. The religious right often speaks as though they are the only kind of Christians—this is, of course, false.

Some communities have already experienced the wrath of librarians who see themselves as religious censors. In Boulder, Montana, a part-time librarian took about 100 books dealing with the occult and "true crime" themes to the local landfill and dumped them. Such titles, he insisted, had no business being in the library. He was asked to resign and did.

That's an extreme example. Yet, it is more proof that the profession of librarianship is not always filled by the type of person that ought to fill it—that is, an individual committed to open access and freedom of expression, uncolored by personal sectarian biases.

In a 1955 volume on censorship called *The Right to Read*, author Paul Blanshard observed:

In recent years, Americans have become accustomed to organized and very vocal pressures against reading, pressures which have often developed into terror and hysteria. Committees of vigilantes have invaded our libraries and ordered honest books of social dissent off the shelves. Self-appointed prophets of purity and semi-literate policemen have united to ban from the book counters and newsstands not only literary trash but also great classics of realism and moral discovery. Teachers in our schools have been frightened into patriotic conformity at the very moment when they needed to give their students a broadly critical world view.

Blanshard was talking about McCarthyism and the reigning anti-communist hysteria of the day. But his words sound chillingly familiar today. Instead of communism, the great enemy of today's prophets of purity, the religious right, is "secular humanism," "the occult" or "anti-god" philosophies.

Other speakers on today's panel will brief you on how to oppose these forces. I endorse what they have to say and urge all of you to do everything in your power to vigorously oppose the sectarian bigots of the religious right. Please don't make the mistake of thinking they're not dangerous or powerful. These people are convinced that they have a lock on absolute truth and believe that truth gives them the authority to decide what everyone else will read. Even if they seem small or too nutty to take seriously in your community, they are out there, well organized and well funded and waiting to strike.

More and more we hear religious right leaders like William Bennett, James Dobson and Pat Robertson talking about the "culture war" or the "civil war of values." Although I dislike the religious right's use of violent military metaphors, I must acknowledge that if we are in a war, it is not those of us in this room who started it. I didn't ask to be drafted into this war, but if I am to fight it, I don't intend to do a half-hearted job. And I suspect there are millions of other Americans who believe as I do that if the religious right insists on declaring war on our nation's libraries and public schools, then they are more than willing to rise up in defense.

Like many Americans, I would rather seek common ground than fight. But how do you reach consensus with a censor? What common ground is there between someone who believes in free and open libraries and someone else who is certain they have a monopoly on religious truth and who says that gives them the moral authority to decide what everyone else will see and read? The only "compromise" the religious right wants is the ground you are willing to give them. My advice is: Don't give them any. They only seek to mow you down once you emerge in plain sight.

I'd like to conclude on a note of optimism by saying, at the risk of sounding somewhat naive perhaps, that I believe most Americans really do value freedom of expression and will defend their libraries, if all that is at stake is made clear to them. Making it clear to them is the biggest challenge you and I face.

Franklin D. Roosevelt said it best: "If in other lands, the press and books and literature of all kinds are censored, we must redouble our efforts here to keep them free. Books may be burned and cities sacked, but truth, like the yearning for freedom, lives in the hearts of humble men and women. No people in all the world can be kept eternally ignorant or eternally enslaved." □

### remarks by Susan Glickman

Over the years, People For the American Way has interviewed hundreds of educators who have successfully defended materials against censorship attempts. The advice they have for teachers, librarians, and school and district officials facing an organized attack is powerful and consistent:

**1. Develop broad community support.** This is the most important ingredient of a successful anti-censorship campaign and it must be done *before* you even encounter an attack. First, identify allies: create a network of activists, building a base out of parents and teachers, then reaching out to other citizens, clergy and community leaders. There is almost always a "silent majority" of parents and citizens who, when warned of an attack, will come to the defense of the material, the schools and the freedom to learn.

**2. Have a reconsideration policy, and use it.** Have objectors file formal or written complaints that spell out specific objections and substantiate their claims. The policy should require that materials not be removed during the reconsideration process. Ask objectors to specify what segments they find objectionable and why. Ask them to define any buzzwords, such as "secular humanism" or "New Age," they use in their complaint. Be aware that complainants try to find ways around your policy—there have been incidents where people have checked out controversial books and refused to return them. Also, we've seen members of pressure groups volunteering as library aides, for the purpose of screening, complaining about, or removing books from circulation.

**3. Inform other teachers and administrators whenever a book or program is challenged by an organized group.** Rely on your colleagues for guidance and support, especially those who have used the challenged material. Don't hesitate to ask for help from school or district administrators.

**4. Speak with educators who have faced similar attacks.** Educators from your district or around the country who have experienced similar challenges are valuable resources. They can help develop a defense of challenged material, anticipate tactics and provide other direction. For references, call the ALA Office for Intellectual Freedom, People For the American Way or education organizations.

**5. Teachers should refer persistent and organized challenges to administrators at the school or district level.** This approach will ensure that district reconsideration procedures are followed and that teachers and librarians are spared the disruption of daily visits by objectors. While in general, People For . . . encourages the resolution of book complaints at the classroom or library level, educators we have interviewed suggest a different approach for highly organized challenges, during which pressure groups have often sent different people to complain to teachers or librarians every day.

**6. Provide district officials and school board members with thorough information on challenged materials when faced with an organized attack.** Informed board members and administrators are better able to respond to challenges, more likely to see through distortion campaigns and ultimately more willing to defend materials under attack. This means you need to have your ducks in a row at the time materials are *selected*: document the selection process and be able to show how and why certain materials were chosen.

**7. Don't wait too long to go public.** Many educators facing challenges go public too late, after objectors have been able to manipulate the media, organize community support and put pressure on the school district and school board. To know when to go public, you need to assess the extent and intensity of the challenge. Have there been a large number of complaints about the same material? Do objectors appear organized? Have they gone to the press or to the greater community with their claims? If the answer to any of these questions is yes, don't wait. Respond quickly.

**8. Organize a meeting of interested teachers, librarians and administrators to discuss the merits of the material, the reasons for its selection, and the principles at stake.** This approach helps educators maintain resolve in the face of persistent attacks. Don't hesitate to actively defend the challenged materials. Failing to defend material actively is often interpreted as a sign of lukewarm support.

**9. Keep the debate focused on the educational quality of the material and away from ideological objections and political or religious issues—but do press the importance of intellectual freedom, the freedom to read and to learn, to the educational process.** Be able to show how the challenged materials support the educational objectives.

**10. Be prepared to articulate the educational rationale for the challenged material.** Most censorship attempts are ideological—focusing on how the material does not conform to the objector's beliefs. The best defense against a censorship attempt is educational—focusing on the educational quality and effectiveness of the material. To prepare such a rationale, consult a number of sources, including the publisher, an education organization and the educational criteria spelled out in the district's selec-

tion policy. Take the time to research the curriculum or book, its author, any reviews, and how many other school districts use it. Pressure groups will do this, too, so don't get caught without a response, if it turns out that yours is the only school or library which uses or maintains the material—there's probably a good reason why that might be so.

11. **Don't hesitate to contact the local media if a challenge develops into a big battle, since organized would-be censors will likely do the same.** Meet with publishers or editors, provide reporters with information, have supporters write letters-to-the-editor, ask a parent activist to write an op-ed piece. More often than not, media exposure will help your cause.

12. **Find out about the objectors, their claims and any outside groups they might be working with as soon as possible.** If there is a group of objectors, assume they will be informed, organized and prepared to pursue the challenge until their demands are met. Although objectors often claim to be acting alone, many receive information or help from national religious right groups. Exposing this larger network, and verifying whether objectors know about the materials they are challenging or instead are acting at the behest of outside groups, will help.

13. **Many district and school officials send a newsletter to parents explaining the use and educational purpose of the challenged material.** Such newsletters often solicit parental input and support.

14. **Don't assume that an organized challenge will simply go away if you don't fight it.** Take it seriously. □

## remarks by Candace Morgan

As I prepared my remarks for today, I was reminded of a joke I heard from an ACLU staff member. What do Socrates and Two Live Crew have in common? Socrates has had a lasting affect on civilization. It is unlikely that Two Live Crew will have such an impact. However, government does not know the difference — both were arrested for corrupting the morals of youth.

Fort Vancouver Regional Library (FVRL) also has been accused of corrupting the morals of youth. In our case, the library was accused because we refused to adopt a selection and access policy that would impose the moral and religious views of a segment of our population on all of our users.

FVRL's saga began in the late fall of 1992 when we purchased Madonna's *Sex*. This was a routine purchase. We automatically purchase all titles on *The New York Times Book Review* Best Sellers and the Christian Retailing Top Sellers. In addition, patron requests receive top priority for purchase and we had received a number of requests for the title.

When Madonna's book became the subject of national controversy, our local newspaper published a sensational article highlighting the library's purchase. As a result of the controversy surrounding that purchase, as well as the library's purchase of a gay sex manual, the Library Board instigated a review of the Library's selection and access policies. The next seven months were highlighted by impassioned public testimony at each regular Board Meeting and several special meetings, hot debates in Letters to the Editor columns, telephone calls, picketing and a total of 180 formal complaints about *Sex* and Jack Hart's *Gay Sex*.

After due consideration of the constitutional framework within which the library operates, the Mission of the Library and public input, the Library Board voted to retain its long-standing policy of maintaining a diverse collection with open access for all library users.

Immediately after taking that stand, the Board voted to ask the voters to approve a tax rate increase in order to open a new library branch and to make periodical indexes and full text available on the library's on-line system. The individuals and groups that had lost the battle to impose their moral views on the library's collection and policies launched a full-scale attempt to defeat the tax measure. The election passed despite a general anti-tax mood and the organized opposition.

My comments today will focus on what the library did that contributed to that successful outcome.

### The Right to Grieve

FVRL strongly believes that each person who files a formal complaint about the collection or policies of the library is exercising his or her constitutional right to "petition the government for a redress of grievances." Thus, each complainant received an individualized response.

This choice communicated that we respect the opinions of complainants and it received favorable comment even by those who were unhappy because their requests for the library to limit the diversity of the collection or to restrict access were not granted.

### An Open Public Process

In early January, after hearing testimony from 67 persons (evenly divided), the Board confirmed that Madonna's *Sex* had been purchased and was being made available according to Library Policy. They also firmly stated that, as a governmental agency, the Library does not have the legal authority to exclude constitutionally protected materials from the collection, or restrict access to specific items in the collection based on religious or moral views of the viewpoint expressed in those materials.

At the same time, the Board scheduled another public meeting to hear suggestions from the public about how the library could assist parents in guiding their own children's reading.

The Board received over twenty suggestions, including the establishment of a separate "viewing area" for certain materials, the rating of books like movies, and the use of the computer to create a list of titles that a specific child could not check out. Each suggestion was seriously considered and responded to in a written report by the Board Policy Committee. The Board's response was based upon free speech protections in the *Bill of Rights* and the Washington State Constitution, not on the American Library Association's *Library Bill of Rights*.

The public debated the report at several public meetings. The wide range of opinions expressed by the public at these meetings and in letters and telephone calls to the library, Board members, and to local newspapers provided strong support for the Board's conclusion that individual users and families must decide for themselves what they wish to choose from the library's collection.

Every time someone asserted that they represented "community standards" someone else stood up and articulated a different set of standards. They even quoted different Biblical passages at each other.

Critics of the library's policies attempted to convince others that the American Library Association, an elite private association, was forcing the library to provide materials to children against their parents' wishes. This tactic was ineffectual since the Board did not use ALA policy to support its position.

### **Inclusiveness**

For more than twenty years FVRL's most important criterion for materials selection has been patron requests. Complainants are told that, while the library will not remove a title that has been selected according to policy, the library will be happy to acquire materials that reflect the complainant's point of view. Individuals and organizations with a point of view are regularly asked to suggest materials for the collection. The library has worked hard to develop a good collection of materials written from a religious point of view.

As a result, a number of individuals whose requests had been responded to spoke out in support of the library's policy. For example, the library has made a great effort to provide materials for parents who home school their children. This includes not only the purchase of materials, but also school-age story times during school hours in several branches with large home school populations. Several of these parents were among the most eloquent of those who spoke up for a collection reflecting diverse points of view.

### **Community Involvement**

FVRL makes an effort to be a vital part of the communities it serves. Branch Librarians are expected to be involved in community organizations. We regularly participate in community celebrations and events. Many

community organizations who have benefited from our support pledged themselves to have people at library board meetings to support the right of each person in the community to have access to what she/he wishes to read.

### **Staff**

FVRL incorporates questions into the hiring process for every staff member, from page to Director, to determine if the candidate is willing and able to follow the library's policies on intellectual freedom and confidentiality. All staff regularly receive training on this subject.

During the controversial period I have described, many staff members were verbally attacked by individuals who opposed the library's policy. Many staff members who are not usually involved in articulating and defending the right to read became involved and the result was an increase in staff solidarity and morale.

The example I love best was the action taken by the paging staff of our largest branch. A complainant made enlarged photocopies from Madonna's *Sex* and the gay sex book and positioned himself in the library lobby to solicit signatures on a petition opposing the library's policy. He was forcing the pictures on patrons who did not wish to see them. When a staff member was present, he closed his portfolio and asked for permission to show the pictures. As soon as the staff member left, he opened the portfolio again. The page work station opens into the lobby and pages pass through it to empty the 10 external bookdrops. When the pages on duty noticed this man's tactics, they opened the door between their work area and the lobby so that a staff member was always in sight. And they started a continuous stream of book drop emptying — a book drop brigade.

### **Assisting Library Users in Making Choice**

FVRL recognizes that some of our users do not want themselves or their children to be exposed to points of view that violate their religious or moral views. We are continuously working on ways to provide these users assistance in finding the type of materials that do not offend them. We are providing more staff training in readers' advisory. We emphasize ways to find out from the patron the criteria he/she uses to define a "good" book and use those criteria, not our own, to recommend titles. We continuously seek readers' advisory tools written from different points of view. We are planning programming aimed at helping parents learn how to use books to teach values to their children from infancy on.

In conclusion, Fort Vancouver Regional Library was successful in resisting attempts to force the library to assume responsibility for the morals of youth. If we are to continue to be successful, we believe we must find additional ways to use our expertise as librarians to assist parents who are searching for ways to pass their family values on to their children. □

## remarks by Gail Zappa

When I was fourteen years old, going to the library was a real challenge in a very different way than you might imagine. It involved hiding in service carts in the bowels of the Library of Congress and waiting for an opportunity to sneak past security guards to gain access to the research library - Holy of Holies - where you could (presumably) look up anything you could think of - request all the references, and after reading bits and pieces of this or that from various text books at hand, you could go to your assigned seat, and there, waiting for you, would be neat stacks of books with all your references marked by little slips of paper.

I recently returned to this same library and saw that, while the magic of the access to information remains, the Reading Room is so much smaller than I remember, and the mystique. . .well, now I know the tragedy of government cut backs, et cetera, et cetera. But the fact remains, it is the one place in government where the employees are completely focused on the *value* and *preservation* of intellectual properties. And if libraries in general represent anything, it is access to all and access to everything. Access is everything, because without it there is no such thing as informed consent.

One of the earliest attempts to censor my husband's work was performed by a record company named Verve on an album released in 1967 called *We're Only In It For The Money*. There is a song called "Let's Make the Water Turn Black". The lyrics are about some of Frank's neighbors when he was a teenaged person. The father was a furniture salesman, the mother a waitress:

"Now believe me when I tell you that my song is really true

I want everyone to listen and believe

It's about some little people from a long time ago

And all the things the neighbors didn't know

Early in the morning Daddy Dinky went to work

Selling lamps & chairs to San Ber'dino squares

And I still remember Mama with her apron & her pad

Feeding all the boys at Ed's Cafe!

Whizzing & pasting & pooting through the day

(Ronnie helping Kenny helping burn his poots away)

And all the while on a shelf in the shed:

KENNY'S LITTLE CREATURES ON DISPLAY!

Ronnie saves his numies on a window in his room

(A marvel to be seen: dysentery green)

While Kenny & his buddies had a game out in the back:

LET'S MAKE THE WATER TURN BLACK

We see them after school in a world of their own

(To some it might seem creepy what they do . . .)

The neighbors on the right sat & watched them every night

(I bet you'd do the same if they was you . . .)

Whizzing & pasting & pooting through the day  
(Ronnie helping Kenny helping burn his poots away)

And all the while on the shelf in the shed

KENNY'S LITTLE CREATURES ON DISPLAY!

Ronnie's in the Army now & Kenny's taking pills

Oh! How they yearn to see a bomber burn!

Color flashing, thunder crashing, dynamite machine!

(Wait till the fire turns green . . . wait till the fire turns green)

WAIT TILL THE FIRE TURNS GREEN!"

The section of music that contained the line: "And I still remember Mama with her apron and her pad, feeding all the boys at Ed's Cafe: was deemed obscene and cut from the master without Frank's prior knowledge or consent. Somebody at Verve decided the words" "apron and her pad", referred to a sanitary napkin. This is, of course, a classic example of censorship, because someone in a position of power (real or imagined) deemed the material obscene, indecent and/or immoral.

Censorship is the control of information. Curiously, there is another song on the album called: "What's the Ugliest Part of your Body?" which escaped their attention: [These lyrics were read by Diva]

"What's the ugliest part of your body?

What's the ugliest part of your body?

Some say your nose

Some say your toes

But I think it's YOUR MIND

I think its your mind, *woo woo*

ALL YOUR CHILDREN ARE POOR

UNFORTUNATE VICTIMS OF SYSTEMS

BEYOND THEIR CONTROL

A PLAGUE UPON YOUR IGNORANCE

& THE GRAY DESPAIR OF YOUR UGLY LIFE

Where did Annie go when she went to town?

Who are all those creeps that she brings around?

ALL YOUR CHILDREN ARE POOR

UNFORTUNATE VICTIMS OF LIES

YOU BELIEVE

A PLAGUE UPON YOUR IGNORANCE

THAT KEEPS THE YOUNG FROM

THE TRUTH THEY DESERVE. . ."

I'd like to read something from *The Real Frank Zappa Book*. It is under the chapter heading: "All About Music." This is an excerpt from the keynote address Frank delivered to the 1984 convention of the American Society of University Composers, entitled: "Bingo, There goes your Tenure".

"I do not belong to your organization. I know nothing about it. I'm not even interested in it - and yet, a request had been made for me to give what purports to be a keynote speech.

"Before I go on, let me warn you that I *talk dirty*, and that I will say things you will neither enjoy nor agree with.

"You shouldn't feel threatened, though, because I am a *mere buffoon*, and you are all *Serious American Composers*.

"For those of you who don't know, I am also a composer. I taught myself how to do it by going to the library and listening to records. I started when I was fourteen and I've been doing it for thirty years. I don't like schools. I don't like teachers. I don't like most of the things that you believe in - and if that weren't bad enough, I earn a living by playing the *electric guitar*.

"For convenience, without wishing to offend your membership, I will use the word "WE" when discussing matters pertaining to composers. Some of the "WE" references will apply generally, some will not. And now: *The Speech . . .*

*Is 'New Music' Relevant in an Industrial Society?*

"The most baffling aspect of the *industrial-American-relevance* question is: "*Why do people continue to compose music, and even pretend to teach others how to do it, when they already know the answer? Nobody gives a fuck.*"

"Is it really worth the trouble to write a new piece of music for an audience that doesn't care?

"The general consensus seems to be that music by living composers is not only irrelevant but also genuinely obnoxious to a society which concerns itself primarily with the consumption of disposable merchandise.

"Surely "WE" must be punished for wasting everyone's precious time with an art form so *unrequired* and *trivial* in the general scheme of things. Ask your banker - ask your loan officer at the bank - he'll tell you: "WE" are the *scum of the earth*. "WE" are *bad people*. "WE" are *useless bums*. No matter how much tenure "WE" manage to weasel out of the universities where "WE" manufacture our baffling, insipid packages of inconsequential *poot*, "WE" know deep down that "WE" are *worthless*.

"Some of us smoke a pipe. Others have tweed sports coats with leather patches on the elbows. Some of us have mad scientists eyebrows. Some of us engage in the shameless display of incredibly dramatic mufflers, dangling in the vicinity of a turtleneck sweater. These are only a few of the reasons why "WE" must be *punished*.

"Today, just as in the glorious past, the composer has to accommodate the specific taste (*no matter how bad*) of THE KING - reincarnated as a movie or TV producer, the head of the opera company, the lady with the frightening hair on the 'special committee' or her niece, *Debbie*.

"Some of you don't know about Debbie, since you don't have to deal with radio stations and record companies the way the people from *The Real World* do, but you ought to find out about her, just in case you decide to *visit* later.

"Debbie is thirteen years old. Her parents like to think of themselves as *Average, God-Fearing American White Folk*. Her Dad belongs to a corrupt union of some sort and is, as we might suspect, a lazy, incompetent, overpaid, ignorant son-of-a-bitch.

"Her mother is a sexually maladjusted mercenary shrew who lives to spend her husband's paycheck on ridiculous clothes - to make her look '*younger*'.

"Debbie is *incredibly stupid*. She has been raised to respect the values and traditions which her parents hold sacred. Sometimes she dreams about being kissed by a lifeguard.

"When the people in the *Secret Office Where They Run Everything From* found out about Debbie, they were thrilled. She was perfect. She was hopeless. She was their *kind of girl*.

"She was immediately chosen to become the *Archetypical Imaginary Pop Music Consumer & Ultimate Arbiter of Musical Taste for the Entire Nation*. From that moment on, everything musical in this country would have to be modified to conform to what they computed to be *her needs and desires*.

"Debbie's 'taste' determined the size, shape and color of *all music broadcast and sold in the United States during the latter part of the twentieth century*. Eventually she grew up to be just like her mother, and married a guy just like her Dad. She has somehow managed to reproduce herself. The people in *The Secret Office* have their eye on her daughter at this very moment.

"Now, as a serious American composer, should Debbie really concern you? I think so.

"Since Debbie prefers only short songs with lyrics about boy-girl relationships, sung by persons of indeterminate sex, wearing S&M clothing, and because there is *Large Money* involved, the major record companies (which a few years ago occasionally risked investment in recordings of new works) have all but shut down their classical divisions, seldom recording *new music*.

"The small labels that *do*, have wretched distribution. (Some have wretched *accounting procedures* - they might release your recording, but you won't get paid.)

"This underscores a *major problem* with living composers: *they like to eat*. (Mostly what they eat is brown and lumpy - and there is no question that this diet has had an effect on their collective output.)

"A composer's job involves the *decoration of fragments of time*. Without music to decorate it, time is just a bunch of boring *production deadlines or dates* by which *bills must be paid*. Living composers are entitled to proper compensation for the use of their works. (Dead guys don't collect - one reason *their* music is chosen for performance.)

"There is another reason for the popularity of *Dead Person Music*. Conductors prefer it because they need *more than anything else to look good*.

"By performing pieces that the orchestra members have hacked their way through since conservatory days, the rehearsal costs are minimized - players go into jukebox mode, and spew off *'the classics'* with ease - and the expensive guest conductor, unencumbered by a score with *'problems'* in it, gets to thrash around in mock ecstasy for the benefit of the committee ladies (who wish he didn't have any pants on).

"Hey, buddy, when was the last time you thwarted a norm? Can't risk it, eh? Too much at stake over at the old Alma Mater? Nowhere else to go? Unqualified for 'janitorial deployment'? Look out! Here they come again! It's that bunch of guys who live in the old joke: it's YOU and two billion of your closest friends standing in shit up to your chins, chanting, 'DON'T MAKE A WAVE!'"

I chose this because, for each of you in this organization - in whatever capacity it is that you represent those non-wave makers out there - it is your task to fight censorship by consensus, external and internal. Don't become complacent. Don't get so comfortable in your own situation that you lose your perspective.

In your May Newsletter, in the "In Review" section, a phrase was used that scared me: "Intellectual Freedom Groupie". The First Amendment is not about fads or "next big things" or commodities or market shares. It is not about life-"style"- But if it is about your job and why you are doing what you do, it must not be about your tenure.

Now, I'd like to read the sticker that Frank designed for his records during the infamous Ratings Wars:

#### WARNING/GUARANTEE

*This album contains material which a truly free society would neither fear nor suppress.*

*In some socially retarded areas, religious fanatics and ultra-conservative political organizations violate your First Amendment rights by attempting to censor rock & roll albums. We feel that this is un-Constitutional and un-American.*

*As an alternative to these government-supported programs (designed to keep you docile and ignorant), Barking Pumpkin is pleased to provide stimulating digital audio entertainment for those of you who have outgrown the ordinary.*

*The language and concepts contained herein are GUARANTEED NOT TO CAUSE ETERNAL TORMENT IN THE PLACE WHERE THE GUY WITH THE HORNS AND THE POINTED STICK CONDUCTS HIS BUSINESS.*

*This guarantee is as real as the threats of the video fundamentalists who use attacks on rock music in their attempt to transform America into a nation of check-mailing nincompoops (in the name of Jesus Christ).*

*If there is hell, its fires wait for them, not us.*

Finally . . . with Frank I learned a few tactics for fending off censorship and its pressures:

1. Take nothing for granted.
2. Be serious about taking nothing seriously.
3. Refuse to do anything that hurts your imagination.
4. Humor can be your greatest ally and keenest weapon.
5. Fight out of love, not hate.

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*(from the bench . . . from page 160)*

In March, 234 members of Congress asked the appeals court to deny the Justice Department's request for a new District Court trial, arguing that the Justice Department's interpretation would weaken the child pornography law.

Knox's lawyer, Alan Silber, said: "The court still refuses to recognize the two fundamental principles that the Justice Department and Mr. Knox agreed on. We'll see now what the Supreme Court has to say. The issue remains the same. Steve Knox is the only person in the history of this country ever charged on the theory that you can have an exhibition of something that's covered."

"Although the genitals are covered," wrote Judge Robert E. Cowen for the three-judge panel, "the display and focus on the young girls' genitals or pubic area apparently still provides considerable interest and excitement for the pedophile observer, or else there would not be a market for the tapes in question in the case." Reported in: *New York Times*, June 12.

etc.

#### Denver, Colorado

The Colorado Supreme Court on July 5 ordered revisions in the title of an initiative on the November ballot to make it clear that the measure proposes more restrictions on speech. The obscenity initiative would add language to the Colorado Constitution permitting state and local governments to control obscenity "to the full extent permitted by the First Amendment."

Proponents say the state Constitution is so strict on free speech that it is nearly impossible to ban obscene materials. If the measure passes, Colorado courts would have to judge obscenity under the less restricting First Amendment to the U.S. Constitution.

Challengers argued that the title and submission clauses of the initiative did not say it would restrict free speech in the state and broaden the definition of obscenity. The

court agreed, saying voters probably wouldn't be able to tell the proponents' intent from the ballot title and might erroneously think they were expanding free speech rights by voting for the initiative. Reported in: *Rocky Mountain News*, July 6.

#### **Tampa, Florida**

A judge declined June 28 to stop Hillsborough County from taking the Confederate battle flag off the county seal. A group called Preserving Our Heritage had asked the judge for a temporary restraining order, saying the county was denying a member's right to freedom of expression. But Judge Sam Pendino denied the request "with prejudice." The County Commission voted last year to take the Confederate flag off the seal and asked the public to submit sketches for a new seal, as long as the Confederate symbol wasn't included. Marion Lambert, who filed the suit, said the condition prevented him from freely expressing his views. Reported in: *St. Petersburg Times*, June 29. □

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*(censorship dateline . . . from page 156)*

Shakur's music was not "consistent with the family-based entertainment that the city wants to provide."

Promoter Olivia Davis said the cancellation showed "blatant disregard for freedom of speech and the First Amendment." She said her lack of insurance was merely a "legal technicality. This is a censorship issue."

"She says this is censorship, but we didn't pass an ordinance saying you can't hold this concert in the city," Cohen replied. "We own the Dell; we operate the Dell. She can scream all she wants, but this is not the type of act that has a place in the city of Philadelphia. We don't think an act like Tupac Shakur is consistent with the type of entertainment we want to provide at a city-owned and operated facility." Reported in: *Philadelphia Inquirer*, June 29.

#### **etc.**

##### **Washington, D.C.**

The battle over sexism in the U.S. military has reached the Pentagon bookstore. At a time of heightened sensitivity to sexual harassment in the armed services, some service members are objecting to the prominent display of a sales rack for *Penthouse* and *Playboy* magazines in the privately owned store.

"If they want to sell that stuff, let them sell it outside, but it's inappropriate here," said a male Air Force lieutenant colonel.

The store's manager, Dirk Williams, said he received only one or two complaints about the magazines every

six months. He said the store sold as many as fifty copies of each magazine a month. "*Penthouse* and *Playboy* are mainstream enough that I don't consider them porno," he said. "And I wouldn't consider selling that hard core stuff." Reported in: *New York Times*, July 6.

##### **Cincinnati, Ohio**

A gay bookstore and three of its employees were charged with pandering obscenity after undercover police rented a video of the 1975 Italian film *Salo: 120 Days of Sodom*, by director Pier Paolo Pasolini. Cathy Adams, lawyer for the Pink Pyramid bookstore, called the July 7 arrests an example of city officials' homophobia.

"I think they suspect they have a gay film, but it's not," she said. "It's an anti-fascist film. It's a very disturbing film, but it has great artistic value and has received a lot of artistic acclaim."

Italian courts declared the film obscene and delayed its release for months. Cincinnati Safety Director William Gustavson said the film had no artistic or social value.

In 1990, Cincinnati tried unsuccessfully to prosecute the Contemporary Arts Center for displaying homosexually graphic photographs by Robert Mapplethorpe. Last November, city voters passed a ban on anti-discrimination laws for gays. A lawsuit challenging that ban is pending in federal court. Reported in: *Associated Press*, July 7.

##### **Pawtucket, Rhode Island**

In September, the *Official Scrabble Players Dictionary* dropped between 75 and 100 offensive terms from its list of 100,000 acceptable words. The banned words include common obscenities and racial and ethnic slurs. Scrabble maker Milton Bradley requested the changes in the dictionary published by Merriam-Webster, Inc., after receiving complaints. The words eliminated will be officially off-limits to players in tournaments and clubs. "They're bowdlerizing the damn thing!" commented Charlie Southwell, a top-ranked Scrabble player. Reported in: *USA Today*, May 11.

#### **art**

##### **Oldsmar, Florida**

1942 was a memorable year for Paul Eckley, Jr. Shortly after the then-young pilot joined the armed forces in the Pacific, he was shot while sleeping nude in the hot Java sun. Fifty-two years later, Eckley put the memory on canvas. The artist was invited to exhibit his painting, *1942*, at a Memorial Day exhibit at Oldsmar City Hall. But then the colorful realist self-portrait was rejected on grounds that it violated a ban on nudity in the building. The rear-view sight of two unclothed soldiers running from Japanese bombers was too much for the city.

"We had a directive and we were supposed to be following that," said vice mayor Rosemary Wiseman. "We were told in no uncertain terms. No nudity." Eckley, who saw the picture as comic, removed it and six other paintings from the exhibit. Reported in: *St. Petersburg Times*, May 28.

#### **Wallace, Idaho**

Sharon Clasen Kortuem pulled her five-piece art exhibit from the Wallace Art Center in early June, charging censorship. "I didn't even finish getting the show ready to display," the artist said, when she was advised that one of the works was to be placed in the center's back room for private viewing only.

Kortuem, a high school teacher, said the piece was a charcoal drawing of six nudes ice skating. "It was a celebration of movement and dance and the beauty of the human figure," the former nun explained. But center director Rose Lavigne, who alone made the decision, saw it differently.

"The effect of the show was destroyed," said Kortuem. "I'm furious. I was told nudes were displayed before. There was no board of review before it was displaced. There was nothing in this painting of prurient interest at all." Reported in: *Superior (Montana) Mineral Independent*, June 8; *Coeur D'Alene Press*, June 2.

## **foreign**

### **Cairo, Egypt**

Egypt's chief film censor said in early June that Steven Spielberg's *Schindler's List* was too good to cut, but too graphic to show. The censor, Hamdy Sorour, banned the movie from theaters but denied the decision was political. Censorship laws, he said, would oblige him to cut more than twenty scenes of violence, torture and nudity. "But cutting these scenes would undermine the high technical quality of the film," Sorour said. "The value of the film would be lost."

The Oscar-winning film has been banned by other Muslim countries, including Jordan and Malaysia. Malaysia first outlawed it as too sympathetic to Jews, then reviewed the decision and said it contained too much violence and sex (see *Newsletter*, July 1994, p. 121). Reported in: *Owensboro Messenger-Inquirer*, June 2.

### **Singapore**

Singapore's fourth annual film festival ended with an entry banned by censors taking top honors. Eric Khoo, a young Singaporean filmmaker, won awards for best director and special short-film achievement for the banned *Pain*, which treats a man's obsession with enduring pain.

The film, which contains scenes of graphic violence, was banned by the government film censorship board. When Khoo was called to receive his awards, the hall darkened for the expected film clip but a voice said, "I'm sorry, this film is banned by the Singapore government." The audience whistled and booed. Reported in: *Dallas Morning News*, May 6. □

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