

newsletter
on
intellectual
freedom



IFC ALA

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

ISSN 0028-9485

March 1995 □ Volume XLIV □ No. 2

censorship on the Internet

In a case that has colleges taking another look at their legal responsibilities in “cyberspace,” in early November Carnegie Mellon University in Pittsburgh announced that it would block access to graphics files on as many as fifteen Internet discussion groups or bulletin boards that allegedly offer obscene materials. About three hundred students demonstrated to protest the move.

“It is censorship,” said Declan McCullagh, student body president. “We have obscene books in our library, but the university isn’t burning them. The university is burning cyberbooks.”

The dispute started when Martin Rimm, a research associate working on a study of pornography, used university computers to collect 917,000 dirty pictures, ranging from simple nudity to pictures of men and women having sex with animals. He tracked how often the pictures had been downloaded by a computer user — 6.4 million times.

When Rimm took his findings to the administration, Carnegie Mellon no longer could claim ignorance about the material, said Erwin Steinberg, vice provost for education. He said the school could be prosecuted for distributing pornography to minors if it knowingly allows access to the pictures to anyone under the age of 18. Although most of the school’s students are adults, children as young as elementary school age also use the university’s network links.

Reaction on campus was swift. In an unusual move, the faculty senate unanimously called for the administration to reinstall the bulletin boards. The resolution’s author — senior computer science researcher David Touretzky — cited academic freedom.

“I guess my biggest fear is that the university is running the risk of harming academic freedom at other schools because of the publicity surrounding the incident,” he said. The banned bulletin boards should not have been labeled pornographic, Touretzky claimed. Although some were graphically raw, he said many included material innocuous by any standard.

Student Council President McCullagh, who presided over an incensed council meeting November 8 that voted to condemn the university’s action, agreed that much of the material was benign. He called the ban “the equivalent of closing down a wing of the library.”

(continued on page 57)

in this issue

censorship on the Internet	p. 29
IFC report to ALA Council	p. 31
in review: <i>Justice William J. Brennan</i>	p. 34
FTRF report to ALA Council	p. 35
missing journals found	p. 36
<i>Daddy's Roommate</i> most challenged book of '94	p. 36
book sparks resignations	p. 37
censorship in the Catholic press	p. 37
USIA gives documentaries educational status ...	p. 38
<i>censorship dateline</i> : libraries, schools, student press, speaker, foreign	p. 39
<i>from the bench</i> : U.S. Supreme Court, church and state, schools, periodicals, English- only, commercial speech, gay rights, cyberspace, nude dancing	p. 48
<i>is it legal?</i> : schools	p. 52
<i>success stories</i> : libraries, schools, university	p. 53

targets of the censor

books

<i>The Adventures of Huckleberry Finn</i>	p. 42
<i>Annie on My Mind</i>	p. 40
<i>The Autobiography of Miss Jane Pittman</i>	p. 46
<i>Bless Me, Ultima</i>	p. 56
<i>The Bluest Eye</i>	p. 44, 45
<i>Boy's Life</i>	p. 55
<i>Changing Bodies, Changing Lives</i>	p. 44
<i>The Chocolate War</i>	p. 55
<i>Daddy's Roommate</i>	p. 36
<i>The Egypt Game</i>	p. 56
<i>The Giver</i>	p. 42
<i>Go Tell It On the Mountain</i>	p. 55
<i>Halloween ABC</i>	p. 41
<i>Heather Has Two Mommies</i>	p. 40
<i>House Made of Dawn</i>	p. 56
<i>I Know Why the Caged Bird Sings</i>	p. 56
<i>I'll Be Seeing You</i>	p. 56
<i>In Country</i>	p. 45

<i>Journey of the Sparrows</i>	p. 43
<i>Lily</i>	p. 41
<i>Literature and Society</i>	p. 44
<i>Lucy</i>	p. 45
<i>Marijuana Growers Guide</i>	p. 40
<i>My Teacher is an Alien</i>	p. 44
<i>Of Mice and Men</i>	p. 46, 53
<i>Populations</i>	p. 45
<i>Private Parts</i>	p. 53
<i>Scary Stories to Tell in the Dark</i>	p. 36
<i>Serbs and Croats</i>	p. 53
<i>Short Prose Reader</i>	p. 55
<i>Short Takes</i>	p. 55
<i>Tar Beach</i>	p. 54
<i>Two Teenagers in Twenty</i>	p. 37
<i>We All Fall Down</i>	p. 39
<i>Women on Top</i>	p. 39

periodicals

<i>Catholic Transcript</i>	p. 37
<i>Metronews</i>	p. 51
<i>Penthouse</i>	p. 57
<i>Playboy</i>	p. 57
<i>Playgirl</i>	p. 57
<i>Trojan Myths</i> [Charles Henderson H.S.]	p. 46

film

<i>Schindler's List</i>	p. 43, 50
-------------------------------	-----------

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

(ISSN 0028-9485)

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

IFC report to ALA Council

The following is the text of the Intellectual Freedom Committee's report to the ALA Council, delivered on February 8 at the 1995 Midwinter Meeting in Philadelphia, by chair Candace D. Morgan.

As chair of the Intellectual Freedom Committee, I'm pleased to report on the Committee's activities at this Midwinter Meeting.

Action Items

Resolution In Support of Reauthorization and Funding for the Corporation for Public Broadcasting, National Endowment for the Arts, National Endowment for the Humanities and the Institute for Museum Services (see page 33).

Federal funding for the arts and humanities is based on the assumption that "Democracy demands wisdom and vision in its citizens" (National Foundation on the Arts and Humanities Act of 1965). For over twenty-five years, the National Endowments for the Humanities and Arts (NEH and NEA), the Corporation for Public Broadcasting (CPB) and the Institute for Museum Services (IMS) have provided programs, products and services that have greatly enhanced the ability of libraries to provide access for library users to a comprehensive range of literary, social, scientific and historical information and resources. The continued availability of these programs and services is threatened by proposals to reduce or eliminate federal funding for the CPB, NEA, NEH and IMS.

Since such funding cuts would significantly decrease resources available to libraries to meet the informational needs of library users, the IFC has prepared a resolution in support of reauthorization and continued funding for these agencies.

Resolution Commending the Television Program, Dr. Quinn, Medicine Woman (see page 33).

Some of you may know that the very popular television program, Dr. Quinn, Medicine Woman, devoted an entire episode to the issue of intellectual freedom and the freedom to read. In the episode, the citizens of the small town served by Dr. Quinn reacted with fear and suspicion to the lending library she established with books sent by her family in the east. The program portrayed the conflict that can arise when a mob mentality overwhelms reason and freedom of inquiry. The IFC has prepared a resolution commending the producers and writers of Dr. Quinn, Medicine Woman and the CBS Network for engaging the issue and portraying the controversy in a vivid and thought-provoking way.

Information Items

Memorial for James S. McPhee

The intellectual freedom community lost a great friend with the death of James S. McPhee on January 22. Jim was a tireless and dedicated worker on behalf of the Intellectual Freedom Committee. He served as chair of the Nevada Library Association Intellectual Freedom Committee for ten years. Prior to that, he served as chair of the New York Library Association Intellectual Freedom Committee. In both of these positions, he revitalized state programming in the area of intellectual freedom and reestablished a strong state level defense of the freedom to read. As a member of the ALA Intellectual Freedom Committee, Jim was devoted, tactful, skilled and insightful. He brought substance to the difficult and controversial issues the Committee grappled with and never strayed from his belief that intellectual freedom was the cornerstone of librarianship and the basis of our constitutional republic. He was a dear friend and he is sorely missed.

Access to Electronic Information and Services

The Committee is in the process of preparing a draft Interpretation of the *Library Bill of Rights* on Access to Electronic Information and Services. At this Midwinter Meeting, we held a hearing to receive the views of librarians in various types of libraries on this challenging subject. We also have solicited and received written testimony from individuals who were unable to attend the hearing. Although some people have suggested that the intellectual freedom issues raised by electronic formats are adequately addressed in current ALA policy, we have concluded that the complexity of the subject makes a new Interpretation necessary.

We will be meeting again in March to use the information we have received at this conference to develop a draft Interpretation for circulation prior to the annual conference. If ALA is to provide leadership for librarians on this subject, we must produce this Interpretation in a timely fashion. If the policy is to be useful, it must address the concerns of all kinds of libraries. Therefore, we will urge each ALA Division, Committee and Round Table as well as interested individuals, to respond to our request for comments on the draft prior to the Annual Conference in Chicago.

Economic Barriers to Information Access

When Council approved *Economic Barriers: An Interpretation of the Library Bill of Rights* in 1993, it was a reaffirmation of long-standing ALA policy. Nevertheless, everyone who was involved in the development and discussion of the Interpretation acknowledged that achieving the goal of barrier free access would be a struggle. We were all aware that some publicly funded libraries already had fee based services. We pledged not to condemn those libraries for being in violation of the *Library*

Bill of Rights, but rather to use the Interpretation as an argument for taxpayer support of the public library, the only governmental institution with a core mission to provide free and equal access to information for all people of the community the library serves. The debate and discussion continues. Several states and an ALA committee are currently discussing the development of guidelines for fee-based services. Statements are being made that ALA policy is unrealistic, that fees will be charged and that guidelines should be developed to provide library trustees and staff with assistance in determining how much to charge for what.

The IFC welcomes an on-going dialog about any and all intellectual freedom based ALA policies. However, we do not believe it would be appropriate for any ALA unit to issue guidelines that conflict with ALA policy. Several state chapter Intellectual Freedom Committees have expressed concerns that their efforts to secure adequate funding for libraries would be seriously undermined if ALA was perceived to be expressing approval of user fees for information resources or services.

The IFC has become aware that the *Economic Barriers* Interpretation was not as widely distributed as it should have been. We will take steps to correct this. The Committee and OIF will provide whatever assistance and support we can to libraries, librarians and state associations that are facing demands that fees be charged for library services.

Violence

Legislative proposals intended to limit access to materials and media that portray violence are being introduced in Congress and in state legislatures. The Intellectual Freedom Committee is drafting a statement on violence that will be available to be used by librarians who are resisting such proposals because they violate the First Amendment and ALA policy. We will circulate a draft of the statement as soon as it is available.

Leadership Development

As many of you know, the Intellectual Freedom Committee and the Office for Intellectual Freedom sponsored a highly successful Leadership Development Institute in November. Sixty-four librarians representing every region of the country attended and received a crash course in intellectual freedom principles, techniques of proactive communication, and a good grounding in some basic legal principles. The latter was particularly helpful to many of the participants.

Each participant in the institute has committed to assisting in the planning and presentation of a regional follow-up institute which, in turn, will prepare an additional group of librarians to go back to their individual states and localities and conduct additional training seminars, state by state. The IFC is proud of this national,

on-going, training effort. We feel it will be of particular value to our colleagues in the current political climate and continuing attacks on intellectual freedom in libraries.

Intellectual Freedom Manual

The IFC, through the Office for Intellectual Freedom, has begun work on a fifth edition of the *Intellectual Freedom Manual*. The passage of new Interpretations of the *Library Bill of Rights* has made the fourth edition of the *Manual*, published in 1992, obsolete. The changing external climate also needs to be addressed in updated articles regarding pressure groups, strategies, and proactive communication techniques.

National Campaign on Intellectual Freedom

The Intellectual Freedom Committee, on the suggestion of its member Christopher Bowen, has taken up the challenge of developing a national campaign of awareness on intellectual freedom. Part of that project is underway with the establishment of the First Freedom Op-Ed Service. Charles Levendosky, award-winning editorial page editor of the Casper (WY) Star Tribune, has graciously donated his time to oversee the project and to solicit contributions from well-known writers, law professors and pundits. The service will make available op-ed columns to smaller local daily and weekly newspapers across the country, to bring discussion of intellectual freedom issues closer to the grassroots. The first column is scheduled for release in June 1995.

Another aspect of the proposed program is the development of a new training video on intellectual freedom. The Intellectual Freedom Committee will seek grant funds for the production of a training video that can be used for library staff, not only to teach about how to cope with challenges, but also to provide a firm grounding in the principles of intellectual freedom and proactive strategies to communicate with library patrons about the appropriate role of the library as a bastion of free inquiry, open to all, representing all points of view.

Finally, the Committee, through the Office for Intellectual Freedom's budget, has proposed a project to produce a high-quality video public service announcement, the audio of which may also double as a radio announcement, to be distributed through the state networks, calling attention at the grassroots level to important issues of intellectual freedom and censorship. We are excited about these proposals and look forward to proceeding with them.

The Intellectual Freedom Committee is acutely aware that the substantial changes in Washington and what has been described as a new federalist spirit, emphasizing states' rights and states responsibilities over those of the federal government, will profoundly affect the provision of library services and library funding. Now, more than

ever, the state chapter intellectual freedom structure and the network that the Office for Intellectual Freedom has built and fostered through the Intellectual Freedom Action Network will become crucial to the defense of intellectual freedom and library services at the state and local levels. Librarians trained through the leadership development program will become important links in this state and local network, not only to defend intellectual freedom but to work pro-actively on behalf of appropriate levels of support for libraries and library services. □

RESOLUTION IN SUPPORT OF REAUTHORIZATION AND FUNDING FOR THE CORPORATION FOR PUBLIC BROADCASTING, NATIONAL ENDOWMENT FOR THE ARTS, NATIONAL ENDOWMENT FOR THE HUMANITIES AND INSTITUTE FOR MUSEUM SERVICES

WHEREAS, The Corporation for Public Broadcasting (CPB) supports outstanding Public Broadcasting System (PBS) video and National Public Radio (NPR) audio productions on social, scientific and literary topics that enrich collections in public, school and academic libraries; and

WHEREAS, children's programming produced by PBS promotes literacy and educational readiness; and

WHEREAS, PBS and NPR provide journalism laboratories where students learn about freedom of speech and the press; and

WHEREAS, Between 1990 and 1994, 18 of the 22 recipients of the National Book Awards, National Book Critics Awards and Pulitzer Prizes for either fiction or poetry received fellowships from the National Endowment for the Arts (NEA); and

WHEREAS, The Institute for Museum Services (MIS) supports exhibits and programs that travel to libraries, schools and academic institutions and often provide the only opportunity for citizens in rural or isolated areas to experience these resources; and

WHEREAS, The National Endowment for the Humanities (NEH) supports projects and programs that have resulted in wider access to library materials and collections through indexing and preservation and library humanities programs which involve widespread community participation regardless of age, race or economic status; and

WHEREAS, Threatened cuts in funding to these agencies would eliminate these and other programs and would restrict availability to diverse opinions

and cultural resources in libraries and educational institutions; and

WHEREAS, ALA POLICY #51. Federal Legislative Policy states, "A democratic society depends on the Federal government's ensuring the right of access for all its citizens to a comprehensive range of knowledge and variety of communications media;" now, therefore, be it

RESOLVED, That the American Library Association urge Congress to continue current funding for the Corporation for Public Broadcasting, National Endowment for the Arts, National Endowment for the Humanities and Institute for Museum Services; and be it further

RESOLVED, That ALA request that its members transmit this resolution to their representatives; and be it further

RESOLVED, That this resolution be transmitted to President Clinton, the appropriate congressional committees involved in the discussion of the reauthorization and funding of these agencies and the Corporation for Public Broadcasting, National Endowment for the Arts, National Endowment for the Humanities, and Institute for Museum Studies.

Adopted by the ALA Council February 8, 1995. □

RESOLUTION COMMENDING CBS AND DR. QUINN, MEDICINE WOMAN

WHEREAS, The CBS television network presents a critically acclaimed program known as "Dr. Quinn, Medicine Woman"; and

WHEREAS, On October 22, 1994, "Dr. Quinn, Medicine Woman" devoted an entire episode to the issues of censorship, intellectual freedom, the freedom to read and libraries; and

WHEREAS, "Dr. Quinn, Medicine Woman" made an effective case for intellectual freedom and the freedom to read by dramatically illustrating the type of mob mentality that can develop when fear and suspicion override intellectual inquiry and debate; and

WHEREAS, The American Library Association has long defended the rights of library users to have access to ideas and information from all points of view; and

WHEREAS, "Dr. Quinn, Medicine Woman" effectively portrayed the value of library services and the freedom to read for persons from varying backgrounds and of all ages; now therefore be it

RESOLVED, That the American Library Association commend the CBS television network and the producers, writers, actors and crew of "Dr. Quinn, Medicine Woman" for their superb dramatization of the issues of censorship, book burning, and the

necessity of intellectual freedom and the freedom to read to the survival of democracy; and be it further

RESOLVED, That this resolution be transmitted to CBS, and to the producers, writers, cast and crew of "Dr. Quinn, Medicine Woman."

Adopted by the ALA Council, February 8, 1995. □

in review

Justice William J. Brennan, Jr.: Freedom First. By Roger Goldman with David Gallen. Carroll & Graf Publishers, Inc., 1994. 374 p. \$24.95

This tribute to Associate Justice William J. Brennan, Jr., who served on the U.S. Supreme Court for over thirty years, shows that he was clearly a persuasive champion of individual liberties. He was a spokesman for minorities and the politically dispossessed. Indeed, many people believe that he basically wrote the modern law of freedom of speech and the press.

Part I of this volume contains tributes to Justice Brennan from associates, law clerks, attorneys, judges, professors, journalists, and friends. Writers include Nat Hentoff, Byron R. White, and Thurgood Marshall. The tributes, written after his retirement in 1990, show this outstanding jurist's openheartedness, humor, humility, and warmth. Hentoff's *Playboy* interview is especially intriguing, revealing Brennan's intellect and dedication to justice. At the same time, it shows how conversations with Brennan were like talking with a gardener or janitor or your very closest friend. One writer says, "As much as you taught me about being a judge, you taught me even more about being a human being."

Perusal of these tributes clearly establishes that Brennan was probably the Court's greatest civil libertarian in the post-World War II era. They cover his stands on freedom of speech, due process, gender discrimination, flagburning, etc., and opened this reader's eyes to Brennan's true influence on the Court during these turbulent years. They show how he moved the law closer to its ambition to be "no respecter of persons." In a lecture at Georgetown University, Justice Brennan said, "The genius of the Constitution rests not in any static meaning it might have had in a world that is dead and gone, but in the adaptability of its great principles to cope with current problems and current needs."

In Part II, the authors survey and discuss the jurisprudence of Justice Brennan. This section, too, is in layman's terms. Goldman is a professor at the St. Louis University School of Law and author of several books. He was the 1992 finalist for the NAACP Image Award for Outstanding Work for his book *Thurgood Marshall:*

Justice for All. Gallen is an attorney and developer of book projects such as *Bill Clinton: As They Know Him.* Their lucid discussions explain Brennan's positions in such areas as civil rights, education, abortion, obscenity, and capital punishment. They comprehensively cover the period on the Court from the mid-1950s to the early 1990s. Their essay describes, for example, his majority opinion in *New York Times v. Sullivan*, which has been called "perhaps the most important free speech opinion ever written."

The third section of the book, the longest part, contains the actual texts of Brennan's twelve most dramatic arguments. These landmark decisions show how persuasive he was, and faithful to his vision. Librarians will find most of these cases relevant to their personal philosophy of intellectual freedom.

This volume is truly a contribution to First Amendment literature and is a genuine biography containing Brennan's personal qualities as well as his most important Court judgements. It would be a welcome addition to any library collection. It is the best this reviewer has seen on this ardent champion of individual liberty.—*Reviewed by Gene Lanier, Professor, Department of Library Studies and Educational Technology, East Carolina University, Greenville, North Carolina.* □

mailbag

To the editor:

I wish to correct the Gwinnett County, Georgia, item on page 187 of the November 1994 *Newsletter*.

The book, *What Is a Girl? What Is a Boy?* by Stephanie Waxman, was not "placed in a special non-fiction section where an adult must request it for a child." Our system does not have such a section. After staff review following a customer complaint, the book was reclassified from "easy non-fiction," which is shelved in the children's area. The book is now shelved in the non-fiction area where adult, juvenile and reference materials are interfiled. There it is available to any library customer, and does not need to be requested by an adult.

The version you printed came from an inaccurate article in the *Atlanta Constitution* of July 28. The misinformation was corrected in a later edition.

Jo Ann Pinder
Director, Gwinnett-Forsyth Regional Library

Freedom to Read Foundation Report to ALA Council

The following is the text of the Freedom to Read Foundation's report to the ALA Council, delivered on February 8 at the 1995 Midwinter Meeting in Philadelphia, by President Gordon Conable.

As President of the Freedom to Read Foundation, I am pleased to report on the activities of the Foundation at this Midwinter Meeting.

Litigation

ALA v. Reno: In the latest round of this long-running litigation challenging the Child Restoration and Penalties Enhancement Act of 1990, the United States Court of Appeals for the District of Columbia Circuit reversed, by a 2-1 vote, the District Court's decision that the challenged provisions of the act were unconstitutional. The case is at a critical point. If the decision of the court of appeals panel were to stand, it will mark the first time that libraries and others would be potentially liable for felony prosecution for the distribution of legal images. The Foundation and its co-plaintiffs filed a petition for rehearing *en banc* (by the full court). The Court of Appeals subsequently ordered the government to respond to that petition, a sign that the court may be considering granting the rehearing. The government's response was due December 8, but has yet to be received. The act will not go into effect until seven days after the Court denies the petition for rehearing. In the meantime, the Foundation Board has approved additional expenditures for this case.

United States v. Knox: The Third Circuit Court of Appeals has reaffirmed its interpretation of the federal child pornography statute, concluding that even depictions of fully-clothed minors can qualify as so-called "lascivious displays" in violation of the law. The Supreme Court has refused to review the case. Thus, at least in the Third Circuit, images of fully-clothed minors may be prosecutable under this vague standard. If another Federal circuit rules the opposite way on this issue, the United States Supreme Court, at that point, might consider resolving the conflict. But until then, the Third Circuit's decision prevails, although it is binding precedent in the Third Circuit only.

X-Citement Video v. United States: The Foundation had filed an *amicus* brief in this case and the Supreme Court issued a decision which can be considered a victory. The case involved the prerequisites to criminal culpability under federal child pornography statutes. There was a dispute over the reading of the language of the law as to what level of knowledge about the allegedly illegal materials the accused must have in order to be liable. The Court ruled that in order to convict a person

for distributing or receiving child pornography, there must be proof that the person knew that minors were depicted in the materials, effectively reading the "knowledge" requirement into the inadequate language provided by Congress.

National Treasury Employees' Union v. United States: The Foundation filed an *amicus* brief in this case in support of a challenge by federal employees to an outright ban on honoraria for speeches or articles, even when those works have nothing whatever to do with the person's federal employment. The case was argued November 8, 1994, and a decision is awaited.

Antonelli v. Westlaco, Texas: Many of you may have seen the Phil Donohue show which featured Pam Antonelli and Howard Stern, whose book, *Private Parts*, was ordered removed from the Westlaco, Texas, library. Ms. Antonelli, the Westlaco librarian, was subsequently fired. The ACLU of Texas has agreed to represent Ms. Antonelli and is preparing a lawsuit. The Foundation is looking into ways to assist in this endeavor.

Delcarpio v. St. Tammany Parish School Board: The St. Tammany Parish, Louisiana, School Board voted to remove *Voodoo & Hoodoo* from a school library because the Board objected to the content of the book. ACLU attorney Jim Hashek brought suit on behalf of students and parents challenging the decision and the District Court ruled, based partly on the *Pico* decision, that the School Board acted outside its authority in removing the book. The School Board has appealed. People for the American Way is preparing an *amicus* brief which the Foundation will join.

The Foundation provides a substantial amount of assistance to local attorneys in support of cases where we are not directly involved in the litigation. This may involve advice on pertinent case law, help in framing litigation so that it best represents the interests of libraries and librarians, and the critique of briefs as they are being drafted.

We continue to provide that kind of support in the Olathe, Kansas, case involving the removal of *Annie On My Mind* from the high school library. We have provided similar assistance in many other situations since my last report, including a lawsuit in the Salt Lake City Public Library.

Other Matters

The Foundation is pleased to report that it has become a participant in the Independent Charities of America workplace giving campaign. This is a campaign for federal employees that serves as an alternative to other workplace giving programs and offers a broader selection of charitable organizations to which one can contribute. In addition to the Combined Federal Campaign, the Foundation was also offered the opportunity to participate in state workplace giving campaigns, and is

arranging to do so as those campaigns gear up. For the first time this year, ALA itself offered to its employees the opportunity to give through the Independent Charities of America.

The Foundation continues to receive contributions to the Frank Zappa Memorial Fund. These funds will be put to immediate good use in connection with on-going litigation. The Foundation anticipates yet another busy year as battles over school curricula, school library materials, and availability of information to minors continue in cities and towns across the country.

Thus far, we have been receiving contradictory messages from the new regime in Washington — on the one hand, there have been encouraging signs of an appreciation for libraries and library services, and particularly for broadening the availability of government information through electronic resources to all Americans. This enthusiasm, however, is tempered by an even fiercer enthusiasm for budget-cutting and slashing of federal programs. One thing that does seem certain is that, as new federal legislative initiatives proceed, there will be a continuing effort to shift responsibility to state and local governments. The Foundation looks forward to forging stronger ties with ALA's network of state chapters and the OIF's Intellectual Freedom Action Network to become aware of situations on the state and local levels which require legal defense, which hold the promise of setting positive precedent for the freedom to read, and which may help to define the terms of our impending electronic future.

The Foundation is healthy. Our membership is growing. Our dues income is almost double what it was four years ago. But protecting the First Amendment is not cheap. We need your membership, your help in recruiting new members, and your generous donations.

Thank you for your continuing support. □

missing journals found

More than a hundred homosexual and feminist journals missing from Zimmerman Library at the University of New Mexico in Albuquerque since November 19 were found ten days later. Library workers discovered the periodicals, worth more than \$20,000, while shelving journals in the basement. While using a ladder to reach some high shelves, they noticed the missing volumes piled near the ceiling and hidden between the stacks. The journals were reported stolen when they could not be located after a sweep of the library (see *Newsletter*, January 1995, p. 7).

The journals were stashed in a section of older, infrequently used periodicals seven stacks away from their

original location. "That would be the place to hide things if you didn't want them to be noticed," said Associate Dean Steve Rollins.

Workers recovered all the missing periodicals, which totaled about 100 bound volumes. "Getting them back was wonderful news, but the intent was still to conceal materials," Rollins said. "The act is still quite disturbing."

When the crime took place, sometime during the evening of November 18 or the morning of November 19, a few journals were left behind scrawled with phrases such as "God's Ethics" and "Bitch Propaganda," as well as with swastikas. A few of the journals recovered November 29 had similar graffiti." The only ones we lost are ones that were defaced," Rollins said. He estimated it would cost several hundred dollars to replace the damaged journals. Reported in: *Daily Lobo*, November 30. □

Daddy's Roommate most challenged book of 1994

Daddy's Roommate, by Michael Willhoite, once again topped the ALA Office for Intellectual Freedom's list of most challenged books in 1994. It was also the most challenged book in 1993. *Daddy's Roommate* is a picture book designed to help children understand a non-traditional family. *Heather Has Two Mommies*, by Leslea Newman, and *Scary Stories to Tell in the Dark*, by Alvin Schwartz, tied for the second most challenged.

Other titles on the list of challenged works reported to OIF include *Forever*, by Judy Blume; *More Scary Stories to Tell in the Dark*, by Alvin Schwartz; *Bridge to Tarabithia*, by Katherine Paterson; *The Chocolate War*, by Robert Cormier; *The New Joy of Gay Sex*, by Charles Silverstein; *Scary Stories III*, by Alvin Schwartz; *The Adventures of Huckleberry Finn*, by Mark Twain; *Catcher in the Rye*, by J.D. Salinger; and *Running Loose*, by Chris Crutcher.

Alvin Schwartz was the most challenged author in 1994, Michael Willhoite the second most challenged. Other authors on the most challenged list include Stephen King, V.C. Andrews, Katherine Paterson, Leslea Newman, Robert Cormier, Judy Blume, R.L. Stine, Chris Crutcher, and Maurice Sendak.

The total number of challenges reported to OIF for 1994 was 760, an 8.3% increase over the previous year. This compares with a total of 697 reports for 1993, 651 reports in 1992, and 514 reports in 1991. Reported in: *Intellectual Freedom Action News*, January 1995. □

book sparks resignations

Three trustees of the Marshfield, Vermont, public library quit December 6 over a book about gay teenagers. The controversy surrounding *Two Teenagers in Twenty* sparked a debate about free speech, family values, and local control of the library.

Trustees Donna Metcalf, Cathy Rohloff, and Beverly Schumacher resigned because they didn't think the book, which contains a collection of essays by teenagers trying to come to terms with their homosexuality, belonged on the shelves of the Jaquith Public Library. But the two remaining trustees said the issue was not the book's content, but freedom of speech and protecting a librarian's right to stock shelves.

"I am resigning as a library trustee because I cannot support to the fullest the efforts of the librarian in resisting censorship of library materials," wrote Metcalf.

Metcalf said she didn't oppose the book because of its sexual content but because it allegedly promoted illegal activities. "Basically the book went against all my morals," she said. Rohloff and Schumacher, members of the Christ Covenant Church, opposed the book for similar reasons.

"The content of the book is really irrelevant. What's

important here is protecting the principles of the First Amendment," trustee Sandy Paritz said. Getting rid of the book would violate the library's policies, which endorse the ALA *Library Bill of Rights* and other professional guidelines. In her letter of resignation, Metcalf insinuated that the ALA guidelines would open the door to pornography, which she said is a serious problem "in today's society with working parents."

"If we continue to just accept everything that comes to us through the ALA and like organizations," Rohloff said, "I feel that the town is on a slippery slope to losing any moral fiber that it possesses."

Librarian Vicky Palmer said she decided to acquire the book because it received good reviews and seemed to fill a void in the library's collection. Paritz and trustee Brett Engstrom argued that the trustees were obligated to back up the librarian's decision. Schumacher said the library's policy was flawed because it meant the librarian is the only person who has the right to decide what books go into the library.

The trustees agreed on a compromise that the library would get a book with an opposing viewpoint. Shortly thereafter, the three trustees resigned. Reported in: *Hardwick Gazette*, December 21; *Burlington Free Press*, December 29. □

editorship in the Catholic press

Less than two years ago, David Fortier was editor of the *Catholic Transcript*, a weekly newspaper in Hartford, Connecticut. Now he works out of his home, editing the fledgling *American Catholic Northeast*, an independent monthly. Despite affection and enthusiasm for his career, Fortier chose to start his own publication rather than endure what he considered excessive interference from officials in the Roman Catholic Archdiocese of Hartford.

Frustrated by changes that included the appointment of a priest as executive director to "review Catholic content," Fortier left the paper in March, 1993. The news editor, two priests and a laywoman, who comprised the editorial board of the diocesan paper, soon followed.

Fortier's conflict over content reflected one problem journalists face at Catholic newspapers. The unique structure of Catholic newspapers creates some of the problems — in most cases, a bishop is publisher and circulation is officially mandated by the local church, although most pastors ignore the mandate.

As the financial viability of Catholic papers weakened in recent decades, most shifted from private ownership to nonprofit status, operated by local dioceses. This change blurred the relationship between the institution and the press.

The newspapers, fluctuating between representing the church's view as house organs and reporting for the public interest, are caught between bishop-publishers who often want to control information, and readers and staff members who expect the hierarchy to account for its actions.

Numerous accounts in Catholic publications suggest that Fortier's experience, while extreme, is not unusual. Since 1986, at least ten Catholic editors have left publications amid similar highly publicized controversies. A 1991 Catholic Press Association (CPA) survey found that nearly forty percent of respondents said they had experienced censorship in the Catholic press. Although they disagreed on the definition of censorship, more than 74 percent of the respondents said they had "learned of instances of censorship in other publications."

Ironically, the exodus from Hartford's *Transcript* came within months of the CPA's publication of "Freedom and Responsibility in the Catholic Press." This "white paper" defined censorship, outlined official church statements on the role of the press and provided recommendations for a good working relationship between editor and publisher. The purpose, several Catholic journalists said, was to prevent situations such as that of Fortier.

As the CPA began writing the paper, the professional organization published a statement expressing concern over how church censorship damages the newspapers' credibility. "We believe there is no inherent contradiction in our mission as Catholic Christians and our calling as journalists," the document read. "We believe that openness is preferable to secrecy, that accountability is required at all levels of the church, and that members of the church have a right to information regarding the activities of the church."

Less than eighteen months after it was ratified, published and distributed, there is evidence the document fell on deaf ears. "Two of the people who were on the (drafting) committee were fired within a year," reported Barbara Beckwith, managing editor of the national *St. Anthony Messenger* magazine and a former CPA president. "These are people who wanted to clarify the situation and were trying to make sense of the situation and then found themselves kicked out. I find it a very discouraging sign that they were both let go."

Fortier's publisher, the archbishop, shared the view of many in the church hierarchy. "He said a Catholic paper puts the pope in the best light possible and puts the bishops and priests in a good light," Fortier recalled. "He said the stories should educate readers about the church, so when a young girl puts down that paper, she wants to be a nun."

According to the Vatican II document on social communications, *Inter Mirifica*, the Catholic press is charged with "bringing a knowledge of the Church to the world and a knowledge of the world to the Church." The document urges "a free expression of opinion and a wide variety of points of view."

The task of the Catholic press, the document continues, is "to balance, to complete and, if necessary, to correct the news and comments about religion and the Christian life. At one and the same time, it will be a glass that reflects the world and a light to show it the way."

More recently, a 1990 document called "Ten Principles of the Catholic Church Press," adopted by the International Union of the Catholic Press, highlights the role of journalists. "The basic role of the Catholic Church press is to help Catholics to understand the world and to fulfill their role in it," it said.

Ultimately, content and circulation issues may be settled by readers. A 1980 Gallup poll found that 52 percent of Catholic press readers want coverage of more controversial issues. Research by Bill Thorn, a journalism professor at Marquette University, a Catholic institution, confirms that and suggests readers want the same kind of stories in their Catholic papers as daily newspapers.

"Catholic newspapers have to sharpen their image, define what they mean to their audience, how the product fits into their readers' lives," Thorn said. "Don't wait for a new bishop; it'll be too late." Reported in: *Editor and Publisher*, September 17. □

USIA to give documentaries educational status

One of the federal government's longest-running regulatory disputes ended January 6 in a Los Angeles courtroom. Lawyers for the U.S. Information Agency and a New York-based advocacy group told U.S. District Court Judge A. Wallace Tashima that the agency had agreed to grant educational certificates to five disputed documentary films it labeled as "propaganda" nearly ten years ago. The declaration ended a fight that began in 1985 over charges by a group of independent filmmakers that the USIA was acting as an unconstitutional censor and effectively blocking them from shipping their movies abroad.

Produced in the early 1980s, the films in the dispute dealt with controversial subjects — insurgency in Nicaragua, uranium mining, the environmental movement, use of Agent Orange in Vietnam and child rearing. Agency movie reviewers refused to grant the films educational certificates that would qualify them for tax-free export status under a 1948 international agreement that called for educational materials to be free of all taxes.

Because most nations impose high tariffs on motion pictures, the filmmakers argued that USIA had effectively denied them an international market. They also accused the Reagan administration of having a political bias against their films.

Tashima sided with the filmmakers and twice threw out regulations that the agency had written to govern its film reviews. He declared that the government had no role in deciding what was a truthful film and what was propaganda. His rulings were supported by two appellate decisions and by a 1991 law that directed USIA to avoid any ideological criteria in deciding what films it approves.

David Cole, a Georgetown University law professor who initiated the case for the Center for Constitutional Rights, said the dispute was now over. The agency has drafted regulations that "we think are sufficient to prohibit any ideological decision-making," he said. Reported in: *Washington Post*, January 6. □

**SUPPORT
THE
FREEDOM
TO
READ**

— censorship dateline



libraries

Stockton, California

Lincoln Unified school board members pulled copies of a controversial paperback out of elementary and junior high school libraries after parents complained that it glorifies alcoholism and violence, contains a violent rape scene and its characters use too much profanity.

We All Fall Down, by Robert Cormier, was read to a sixth grade class at Claudia Landeen School in September and sparked controversy when one 11-year-old boy told his mother the book disturbed him. Copies of the book will remain on the shelves of Lincoln High School's library but were moved out of the reach of younger students January 12 when school librarians received word of the board's decision.

"It's something that makes me very leery. I don't want to make searches through all of the libraries," trustee Melodie Blower said. "But I have a real problem presenting ideas to children who are not ready for them." Board President Don Riggio said, "There's certainly a difference between making a choice to read something and being subjugated (sic) to it against your will."

Lincoln Unified's sixteen-member Library Council reviewed the book in December in response to Tonda Pratt's complaint that it was inappropriate for her son. They decided to keep the book on library shelves but only for students in seventh grade or higher. All but one of Lincoln Unified's middle schools have been merged with elementary schools, however. So kindergartners through eight-graders attend classes on the same campuses. The trustees decided unanimously that the Library Council had not gone far enough and chose to ban the book from grades K-8.

"It's kind of a dilemma," Riggio said. "You want to give the seventh and eighth-graders as much intellectual freedom as they can handle, but you don't want to make it available to less mature minds of fourth, fifth and sixth-graders."

Pratt first questioned the book when her son came home disturbed after his teacher had read *We All Fall Down* during story hour. Pratt contacted the teacher, who agreed to stop reading it. Alarmed, however, that the book might make its way into other elementary classrooms, Pratt filed a formal request asking that the book be restricted to students in seventh grade or above.

We All Fall Down is about a band of suburban teenagers who get drunk and vandalize homes. During one of their "trashings," several of the boys sexually assault a young woman. Cormier said that some of the language in the book — which he said is aimed at mature readers — is alarming. But he said the profanity helps convey several messages: Societal values are crumbling, people who commit crimes or break rules cannot avoid the consequences, and peer pressure can be an overwhelming force. Reported in: *Stockton Record*, January 13.

Gainesville, Georgia

Declaring that the book on women's sexual fantasies is "pornographic and obscene" and lacks "literary merit," a review committee of the Chestatee Regional Library System in Gainesville voted 4-2 December 29 to recommend removing from the local library *Women on Top: How Real Life Has Changed Women's Fantasies*, by Nancy Friday.

"I found nothing of literary, moral or educational merit in the book," said Ernest Moore, chair of the committee. "It had nothing but filth. It not only dehumanizes women, but it dedogs dogs." Moore said he feared the book might spur "weak people and young people" to depravity.

"If this book doesn't merit removal, then we ought to do away with the review process," added committee member Gary Gambrell. The system has only one copy of *Women on Top*, which is kept in the reference department and cannot be checked out. The library has eight branches in three counties.

More than 150 residents attended a review committee meeting December 6, most of whom urged that the book be banned. Among those who opposed the book were four elected officials, who placed blame on Library Director Diane Bronson. "The book lowers community standards, it's obscene and offensive, and it lacks literary value," said state Rep. James Mills (R-Chestnut Mountain). "To me, it's not a question of officials dictating what can or cannot be read — it's a legal issue and obscene material is being distributed through the library,

which is against the law in Hall County and Georgia." Mills, a youth minister, and Hall County Commissioners Jerry Carpenter and Jimmy Echols called the book "hard-core pornography."

The book controversy began when Echols criticized *Women on Top* during a county budget meeting in May, when Bronson requested \$1.2 million for the system. "Bronson breached the trust of the community by selecting such material," Mills later said.

The library bought *Women on Top* in 1991, shortly after it was published. "We don't usually throw away things that are best-sellers," Bronson said. "We bought the book to meet the anticipated demands." In a review of the book's status last April, Bronson found that it had been checked out 19 times, 11 times since July 1993, for an average circulation of 7.6 times per year, nearly three times the average circulation of 2.7 times a year of a library book. "It seemed obvious that some people in this community want to read this book," Bronson said.

The debate over *Women on Top* came a little more than a year after 250 people jammed a meeting room at the library to protest the acquisition of *Heather Has Two Mommies*, by Leslea Newman. The library board voted 10-2 to move that book to the main library's parent section.

As a result of the two controversies, some Gainesville residents called for Bronson's removal. Pam Barrick said she would submit a petition with more than two thousand signatures to the review committee. It read in part, "It is clear Bronson has her own personal agenda as a priority." The petition declares that if the library board does not reprimand Bronson, citizens will petition Hall County commissioners to reprimand board members. Reported in: *Gainesville Times*, December 7, 8, 11, 30; *Atlanta Constitution*, December 7, 30.

Chanute, Kansas

Chanute High School Principal Jim Day in November restricted student access to two library books because of concerns about their content. The books were removed from library shelves and access to them limited to those with written parental permission. These actions were taken without the books being reviewed by a formal committee, a process followed the year before when *Pillars of the Earth*, by Ken Follett, was challenged by a school board member.

The two books were removed without formal review, Day said, because a staff member, not a parent, objected to them. District policy does not address complaints by faculty or books that are not assigned by a teacher, but are simply in the library.

"A book doesn't have to go to the board of education to be put back on reserve," Day said. "Whether we have the right to put a book on reserve is the prerogative of

the school system, or building principal" or other staff members.

Day claimed to a local reporter that he could not remember the titles of the books or why they were considered objectionable. When asked if one of the books was *Annie On My Mind*, by Nancy Garden, a book about a lesbian relationship that has been challenged after it was donated to the libraries of schools in the Kansas City area, Day acknowledged that it was one of the books. The title of the other book remains unknown. Reported in: *Chanute Tribune*, November 30.

Colonie, New York

A how-to book on growing marijuana, found on the shelves at the town-funded William K. Sanford Library, prompted Supervisor Frederick G. Field, Jr., to ask for a review of the process used to select books. Caught in the controversy, Library Director Robert L. Jaquay had to revisit his arrest fifteen years ago for growing marijuana after an anonymous caller tipped off reporters.

The book, *Marijuana Growers Guide*, by Mel Frank and Ed Rosenthal, drew the ire of local law enforcement officials, who said it could lure young people into experimentation or continued drug use.

"We at the police department are firm believers in the First Amendment. We in no way want to get involved in a censorship game," said Colonie Police Lt. Steven Heider. "But I think it's just a small part of the big picture. A major part of the drug industry is the culture that goes along with it. What we don't need to do is make it look more glamorous than it is, or to make it easier for people to try it."

Field said he was not advocating removing the book, but wants a fresh look at selection policies. "The trustees are the people who run the library," he said. "For me to come in and say, 'Hey, you should take this out of there,' I really don't think that serves any purpose. Once it's there, I think you're really looking at a very fine line, relative to the First Amendment and censorship.

Jaquay said he had not had a chance to examine the book because it had been checked out, but he promised the trustees would meet to review its selection. Callers, however, were overwhelmingly in favor of keeping the book, he said. He added that he found it "loathsome" that somebody would exhume his past arrest to fuel controversy over the marijuana book. He said his employers already knew about the case, in which he pleaded guilty to a misdemeanor drug count and paid a \$100 fine.

Jaquay added that despite the controversy he was not concerned that a review of selection policies might foster censorship. He said the only book taken off the shelves as a result of a complaint during his 14-year tenure was an outdated geography book. Reported in: *Schenectady Daily Gazette*, November 23.

Richland, Pennsylvania

Controversy surrounding the book *Lily*, by Cindy Bonner, banned in November from the Pine-Richland Middle School, was back before the school board December 21 when a parent asked that the book be put in the high school library.

A local parent, Betsy Kane, had objected to the book's sexual scenes and complained that the novel was "sexually explicit" and inappropriate for middle-school pupils (see *Newsletter*, January 1995, p. 8). "It had no moral guidance to it. Even if you took the sex out of this book, it's not a book that has any guidance in it as far as a developing mind," she said.

The majority of the board agreed, voting with one dissent November 22 to remove the book from the middle school library. The board decision came three weeks after a committee proposed a temporary removal pending design of a system to give parents more input into what their children read.

The dust had hardly settled on that dispute, however, when Eileen Brennan objected to the haste with which the board reached its verdict. At the board's next meeting on December 21 she said, "I'm here tonight to voice my deeply felt concern and disappointment. I consider the banning of a book from any library as very serious. In my opinion this is not 'moral trash' or 'unadulterated trash.' It's a good story worth reading." She urged the board to consider adding *Lily* to the high school library's collection or at least donating the removed copies to the Richland public library. Reported in: *North Hills News Record*, November 21, 23, December 5, 22.

Spokane, Washington

A Halloween poetry book frequently criticized by Christian groups will be restricted to older students, the Spokane School District decided. *Halloween ABC*, by Eve Merriam, will be placed in the library section accessible only to older students, Associate Superintendent Cynthia Lambarth said in a letter to David Boggs, who first objected to the book (see *Newsletter*, January 1995, p. 9). Boggs complained that one of the book's poems, "Demon," seemed to be a chant to the devil.

"The school district was very helpful," Boggs said. "They listened to my complaint and handled it promptly and seriously." Reported in: *Tacoma News-Tribune*, November 12.

schools

Tempe, Arizona

The Tempe Union High School District governing board voted December 6 to ratify the actions of the board president who acted alone in November when he insisted

lines be edited from a student production of the play *Sex Lives of Super Heroes*. The decision came in a 3-1 vote after nearly three hours of comment from parents, students and community members who crowded the board room to discuss events that led to cancellation of a production that was to have been staged the previous weekend.

Prior to the meeting, board president Randy Clawson conceded he violated board policy when he asked that lines be edited from the Tempe High School production. The play, one of three one-act shows, was canceled along with the other two plays when students refused to alter the performance. Without public debate or board input, Clawson directed Superintendent Jim Buchanan to inform Tempe High Principal Vic Sanchez either to have the cast make the suggested changes or not perform the play.

The play became a topic of controversy when an anonymous citizen mailed a copy of the playbill to a board member, who also reported receiving correspondence from the school's English department chair, who stated her objections to the play. Clawson said his actions came after attending a dress rehearsal on behalf of some who might have been offended by lines in a sexually oriented monologue.

"I support the action, but I have mixed emotions about it," said board member Dan Perkins, who attended the dress rehearsal with Clawson. Board member Mary Frances Lewis also supported Clawson's action, adding that she was equally relieved that a second play among the trio of one-acters was not performed. "I found the play called *Captain Neato Man* even more offensive," she said. The third play was *The Actor's Nightmare*.

Dozens of parents and community members echoed Lewis's remarks. "I'm offended by this play and I'm embarrassed that it was produced at Tempe High," said Kent Mortenson, a parent at the school. "I appreciate [Clawson's] judgment and quick action to save the district a great deal of embarrassment."

But many parents, students and others disagreed. "I'm amazed and disappointed by the actions taken," Tempe High parent Harry Eberly said. "It's clear that Mr. Clawson's actions were illegal."

Cast members questioned whether board members were positioning themselves to "play police" to the nearly 24 student drama productions staged each year at the district's five high schools.

Student director Asacia Biln said she joined cast members in canceling the show because the plays could not be performed together as planned. She agreed with colleagues who said the "integrity of the play couldn't be maintained" if portions were omitted, as suggested by Clawson. Reported in: *Mesa Tribune*, December 3, 7, 18; *Scottsdale Progress*, December 3.

Elk Grove, California

An Elk Grove Unified School District committee heard arguments January 4 about the 1994 Newberry Award-winning science fiction novel, *The Giver*, by Lois Lowry. The panel of fourteen, including four parents, two community members, principals, and teachers heard Dana Cody of the Rutherford Institute argue that the district was in violation of state education codes.

"It is not important if it is popular with the teachers if it conflicts with parents' beliefs," he said. "Parents have primary rule in school situations." According to Cody, parents must be notified in advance of a book's contents. "We are not asking that the book be banned," he continued. "We only want proper notice about the book in time to opt out before reading begins."

Parent Karen Flint contacted the Rutherford Institute when her daughter became upset during reading of *The Giver*. The school had no alternative plan for students not reading the book and sent her from the room for that period. Administrators and board members had not read the book before it was approved for reading in class at the district's four middle schools.

Teacher La Rae Bloomquest of Joseph Kerr Middle School defended the book, which describes a futuristic society in which emotion is forbidden and has been called a young adult *1984*.

"This book has the highest interest level of any book I have seen at school," Bloomquest said. "All the students understand the purpose of the book." Reported in: *Elk Grove Citizen*, January 6.

La Verne and San Dimas, California

The 1994 Newberry medal-winning science-fiction novel about a society in which emotions are banned has sent ripples through the suburban communities of San Dimas and La Verne. *The Giver*, by Lois Lowry, was temporarily banned from classes by the Bonita Unified School District board in November after four parents complained that violent and sexual passages were inappropriate for children.

It all started when Sally and Gary Bowman asked that their daughter, Andrea, a seventh-grader at Ramona Middle School, be excused from class when students read the book. Then the Bowmans went to the school board November 21 and requested that principals pull the novel.

"This is not academic or what parents have sent their children to school to learn about," said Sally Bowman. "We do not want this type of literature in our schools."

"This book is way beyond their comprehension, so why even use it?" asked Linda Eubanks, who also protested the book. "I feel like they're stripping our children of their innocence at a younger age. If this book would be made into a movie, what rating do you think it would receive?" Though only one of five board members had read the book, the board hastily ordered all teachers to

stop using it until administrators finished a review.

The Bonita Unified Teachers Associate rallied around the book. Teachers said *The Giver* shows students what life could be like if they didn't have choices. Board members took an ostensibly middle path. Stressing that the ban was temporary, most said they opposed permanently banning the book outright, but suggested restricting it to certain grade levels. "First you ban a book, then you burn it. I don't want to see that happen," said board member Ed Jones.

That view eventually prevailed — at least temporarily. When the board met again on December 14, they voted unanimously to return the book to classes in which it was being used, pending a formal review by a committee of teachers, parents and district staff. Reported in: *San Gabriel Valley Tribune*, December 11, 15.

Pensacola, Florida

A sex education video produced by the Children's Home Society of Florida was banned from Escambia County middle schools because parents complained that it uses a slang term for the male sex organ. School Superintendent Bill Maloy also announced December 14 that boys and girls would be separated when viewing another video about physical and emotional changes during puberty.

"There is no hard-and-fast ban here," district representative Barbara Frye insisted. She said parent advisory groups at individual schools could ask Maloy to reconsider and permit the Children's Home video, *The Puberty Years*, at their schools. Reported in: *Miami Herald*, December 16.

Butler, Georgia

Complaining that *The Adventures of Huckleberry Finn*, by Mark Twain, contains racial slurs, bad grammar and does not reject slavery, four residents filed a formal complaint November 30 against using the novel in English classes at Taylor County High School in Butler. The complaint was filed by elementary school teachers and parents Gwen Jenkins and Mary Bentley; Mordia Whening, a teacher's aide and parent; and Rozena Beagles, grandparent of a student.

A group of black residents went to the county school board earlier in the month to protest use of the novel in the classroom. "Yes, we do want the book removed from the reading list. Yes, it is racist. Some people may see it another way, but everyone has their own opinion about it," said Jenkins at the time. Jenkins is also the daughter of county school board chair Reginald Carter. Board members told the group that school officials would conduct a review if a formal complaint was filed.

Although Carter acknowledged that he had not read the book in years, he too voiced opposition to it.

"I think the book is offensive and racist to every African-American," he said. "The book does not help race relations. It only gives more ground for hatred and destruction within the human race. That's not only Afro-Americans, but white Americans. I think the book should be deleted from reading lists throughout school systems in Georgia."

The controversy began when a student in a ninth-grade English class said she had concerns about reading the book. Eventually nine students of 93 asked to read another novel. "I didn't like reading the book," said Karleshia Bentley, who read the first seven chapters of *Huckleberry Finn* before switching to *Watership Down*. "It made me feel inferior because of my color." All the students who were excused from reading the book are black. The school is about fifty percent African-American.

Superintendent Wayne Smith said the complaint would be reviewed by a committee of "six or seven people in the language arts department for grades six to twelve." Reported in: *Taylor County News and Butler Herald*, November 17; *Columbus Ledger-Enquirer*, November 18, December 1; *Macon Telegraph*, December 1, 7.

Carmel, Indiana

Some parents of Carmel Junior High School sixth-graders don't want their school to use the book *Journey of the Sparrows*, by Fran Leeper Buss. Sue Moeschl, Carmel Clay School District's supervisor of media services, said she met December 11 with school personnel about using the book as part of a social studies class on Central America. At the meeting, she outlined concerns parent Mary Beth Starret had about the novel, which deals with the plight of illegal immigrants from El Salvador and their struggle to survive when they reach Chicago. The book contains realistic language and an allusion to rape that Starrett said are inappropriate for 12-year-olds.

Meanwhile, another parent filed a formal challenge to the book. Kathleen Barker objected to profanity and language dealing with urination, rape, violence and sex. She also objected to the depiction of illegal immigration. "Illegal is not OK," she said.

Barker said she was not advocating censorship. "I just think the book is controversial and I think the school should recognize that it's controversial and remove it and find something else," she said. Reported in: *Noblesville Daily Ledger*, December 28.

Granby, Missouri

A high school drama instructor submitted her resignation November 17 to the East Newton R-6 Board of Education a month after a committee was formed to select high school plays in the wake of a parent's com-

plaint. Mary Ferguson resigned her position effective at the end of the school year.

When asked whether formation of the screening committee prompted her resignation, Ferguson said, "It has everything to do with it. I'm not going to teach where I'm not trusted."

The controversy began last October when Glenn Carden protested the fall performance by the high school drama department of *The Odd Couple*, by Neil Simon. He said the play used inappropriate language and made improper positive references to drugs and liquor. Carden was supported by several others, although, according to Ferguson, "no one told me anything directly, except Mr. Carden."

School Superintendent Doyle Price responded to the complaint by appointing a committee comprised of himself, Ferguson, the high school principal, a board member, and a local minister to select all future productions. Ferguson said the committee selected her preference for the spring performance, the musical *Nunsense*.

The committee, however, directed her to change a scene in the play in which a nun finds drugs in a bathroom and "gets high" being around them. Reported in: *Joplin Globe*, November 19.

Miles City, Montana

The early December showing of the film *Schindler's List* to students at Miles City High School became a bone of contention at the December 13 meeting of the district's board. Before the film was shown, a permission slip was sent home asking parents to voice any objections to their students viewing the film. Upon receiving input from some concerned parents, the administration issued a second, more specific slip that required express permission from parents before students could see the film. Portions of *Schindler's List* also were edited in an effort to be more sensitive to parent concerns, although director Stephen Spielberg has refused to permit the film to be screened in any abridged form.

Gary Cridland and John Munsell came before the board to reiterate earlier objections about the showing of an R-rated film to students and about the administrative procedure that was followed before the film was shown. Expressing concern at being told the decision was an administrative one and not a school board issue, Cridland said the board should be aware of the curriculum and have input.

"I'd like a committee of people to look into a policy" governing R-rated materials, Cridland said. He also submitted a petition with 160 signatures that he and Munsell collected. The petition objected to the showing of any R-rated film and urged review of school policy and procedures. Reported in: *Miles City Star*, December 14.

Bucks County, Pennsylvania

Some parents and clergy in the Council Rock School District have urged it to remove a twelfth-grade human sexuality book that they say is pornographic. *Changing Bodies, Changing Lives* has been part of the health curriculum for more than ten years. It is used in a class taken by more than three hundred seniors, who have received the written consent of their parents.

Late last year, however, about thirty parents and members of the clergy asked the school board and administration to ban the book because of passages that they say undermine parental authority and depict sexual relations in explicit and vulgar language.

"It is not a textbook, it is a how-to book," said Gloria Parsons. Her daughter forged parental permission to take the class, she said. "It was so obscene and horrible that I cannot even repeat the words. The class has no standards, no morals." The parents also complained that the class uses other material that they consider pornographic, including *Playboy* and *Playgirl* magazines.

"We are seriously listening to the parents," said Assistant Principal Bill Mauro, who acknowledged that the school had halted a recent order for additional copies of the book. "But sometimes we have to respectfully agree to disagree." Mauro said he fully supports the book's use and the class.

"This book speaks frankly to young people in a language that they understand," said Konstance McCaffree, who has taught the class for over twenty years. Reported in: *Philadelphia Inquirer*, December 9.

Elizabethtown, Pennsylvania

Bruce Colville's *My Teacher is an Alien* opens with the line: "Hey, geekoid!" According to school board member John Everhart the title and the first two words are enough to set a bad example for fourth-graders using the book.

"That's an illustration I would like to see us rise above as a district because, as a parent, I don't teach that to my son," Everhart said. "Right away, the title flagged me as a put-down to teachers. I thought it was sending a poor message." Everhart and School Board Director Gary Parsons said references to human development and menstruation in the book were also inappropriate.

The book, used as recommended reading in conjunction with a fourth-grade theme lesson on outer space, is a fantasy about a teacher's abduction by an alien look-alike who is after students to take back to his planet. One of the students discovers the alien imposter and works to find out his mission and free the teacher.

Everhart said the book demeans teachers and parents as dumb, and portrays the main character as handling a problem on her own, rather than relying on the help of others.

Everhart's son, as well as other students, were excused from reading the book, which was not a required text, after their parents filed formal complaints with the district. They have asked for a review of all suggested reading lists and other resource materials. Everhart also wants to know who prepares the lists of suggested readings and who has the final say. The school board only reviews texts that are required as part of the curriculum. Reported in: *Harrisburg Patriot*, November 22.

Hempfield, Pennsylvania

In October, Hempfield Area School District administrators removed a controversial textbook from high school classrooms because parents complained about sexually explicit language found in some of the selections (see *Newsletter*, January 1995, p. 13). On November 21, the school board upheld Superintendent C. Richard Nichols' move to reject a grievance filed by the teacher's union over the unilateral procedure which administrators took in removing *Literature and Society*.

The Hempfield Area Education Association complained that administrators failed to follow a procedure that includes setting up a review panel. Nichols rejected the grievance. Nichols also told the board that the administration was giving serious consideration to a suggestion made by parents that they, too, should be allowed to participate in textbook review. Reported in: *Irwin Standard-Observer*, November 22.

Morrisville, Pennsylvania

A November 16 decision by the Morrisville Borough School Board to remove a novel by Nobel Prize winner Toni Morrison from the high school curriculum in the wake of complaints about its sexual content and objectionable language only stirred more controversy. Only weeks after the book was first approved, the board voted unanimously to pull Morrison's 1970 novel, *The Bluest Eye*, from a new course in Modern American Literature, pending review by a committee of English teachers.

Board member Paul Bunting, who two years ago raised objections to the use of Alex Haley's *Autobiography of Malcolm X*, spearheaded the move because of concern about the book's violence, sexual content and language.

"We're not into censorship," explained board member Randy Kenner. "There's just too much sex in it. I can't see any literary value in this book and I don't think that's hard to understand. Our children are exposed to enough of this."

Students who were reading the book and parents immediately protested the removal. About a dozen students from the class attended a school board meeting December 14 to protest the decision. After their presentation, Bunting said he wanted to thank their teacher, Lynn Yetto, "for a fine job of orchestrating this

tonight." That brought cries of outrage from the students and their parents.

"You should be ashamed of yourself," one parent shouted.

"For this guy to say something about Ms. Yetto is completely wrong," said John DeMarco, a junior in the class. "We didn't know who she was until he pointed her out," added a father. "There was no collusion here."

"Pulling it out of class didn't do any good," added student Becky Belloff, "because just about all the students in class have read it anyway. But it would be good to discuss it in class and get different opinions."

Acting Principal Earl Davis insisted that the book had not been banned. "It's being reevaluated," he said. "We have a policy that permits people in the community to challenge materials."

"Certainly people are allowed to challenge materials," retorted Maureen McCreadle, a member of a group called Concerned Parents for Education, Bucks County Community College librarian, and the mother of two district students. "Where the board has made a serious mistake is removing the materials prior to the review process. My hope is that they were simply unaware of what a serious act this is. They have, in fact, banned the book."

No matter what the final decision, the book certainly remained banned for the semester. Although the review committee reached a decision in mid-December, the recommendation was not publicly disclosed, pending a board meeting scheduled for January 25. "In essence, they've killed the book for this year," said parent Connie Beadle. "By waiting this long, students won't be able to read the book even if it's approved." The semester was set to end January 27.

Davis said the committee's report was not completed until December 16, too late for presentation at the board's December 14 meeting. However, an English Department memo obtained by a local newspaper said the response was done by December 13.

"The English Department was committed to responding within the allotted time in order to expedite the resolution of this matter," the memo stated. "Mr. Davis assured us that he would type our response and submit it to the superintendent in time for the board meeting." But Davis said he didn't get a chance to type the report until December 16. "I submitted it to the superintendent; I did my job," he said. Reported in: *Bucks County Courier-Times*, December 3, 6, 8, 11, 22, January 9; *Philadelphia Inquirer*, December 2; *Trenton Times*, December 3, 15; *Doylestown Intelligencer-Record*, December 2, 12.

Palmyra, Pennsylvania

The Palmyra School Board voted 5-4 December 20 to permanently ban the book *Populations* from the district's

science curriculum. "This book in this town is a scarlet book," said Superintendent Dennis Hurley. The vote came after nearly three hours of passionate debate between parents, who believed the book presented only one side of how world overpopulation should be addressed, and teachers, who found it an integral part of the class.

The district's eighth-graders began using *Populations* as supplemental reading to their main textbook. The first half of the volume deals with the extinction of certain animals and the destruction of natural wonders such as the Amazon rain forest. But the second half includes essays and reprinted newspaper columns that explain how the problem of overpopulation is handled in many countries by using methods including abortion and sterilization.

Parental protests prompted the board to remove the text from the classroom in November so that the curriculum committee could evaluate it. Instead, the committee decided to let the board itself debate the issue.

Just before the vote, one parent handed the board a petition signed by 170 residents opposing the book. A week before, the board was presented with another petition signed by about 25 eighth-graders who urged that the ban be lifted. Reported in: *Burlington County Times*, December 21; *Philadelphia Inquirer*, December 19, 22.

West Goshen, Pennsylvania

Three of four novels approved for use in a new multicultural curriculum at high schools and middle schools last October 24 (see *Newsletter*, January 1995, p. 25) were challenged by a group of self-described "tax-payers," who submitted a petition with 185 signatures protesting the works. The group described the novels, *Lucy*, by Jamaica Kincaid; *In Country*, by Bobbie Ann Mason; and *The Bluest Eye*, by Nobel Prize winner Toni Morrison, as "most pornographic." However, at least 28 of the petitioners resided in other school districts and in at least two cases, another state.

School Board President James Davison said that if enough parents living in the district filed individual complaints against individual titles, these would be reviewed by a committee, in accordance with district policy.

"I'm fully expecting that there are going to be enough complaints that we're going to have to call a committee," he said. "We've had a policy here for twenty years gathering dust. I expect people will use it now that they know about it."

Since those who presented the petition to the board focused exclusively on *Lucy* in their oral comments, the review committee was to take up that title first. Reported in: *West Chester Local News*, December 1.

Cookeville, Tennessee

Nobel Prize winner John Steinbeck's *Of Mice and Men* was pulled from a classroom by Putnam County School Superintendent Mark Gentry after a parent complained about it. Gentry acknowledged that he had never read the book, but said he was pleased to keep it out of the ninth grade classroom because "due to the language in it, we just can't have this kind of book being taught." The book was being taught in a Cookeville Junior High Honors English class.

The complaining parent objected not only to the book but also to a plan developed by the teacher to offer alternative novels to students who might be offended by the occasional profanity in the Steinbeck book. The book is on the state's official approved list to be taught in high schools and was listed on the Putnam County Schools approved curriculum guide for ninth grade English. The school administration also approved the assignment.

The parent made the complaint to Gentry, who asked curriculum administrator Terri Anderson to "go over to the school and check on the book." After discussing the matter with the teacher, it was decided that she would withdraw the book from her class. "I did not tell the teacher that she could not teach the book, only that there were some problems, and later, she told me she would withdraw it," Anderson said.

Students may still read the book for extra credit, but it will not be part of any classroom discussion, Anderson said. Anderson and Gentry acknowledged that they did not follow official policy for handling challenges to classroom material but "just handled it informally." The official policy, which notes that the school board "supports principles of intellectual freedom inherent in the First Amendment of the Constitution," requires the complainant to put objections in writing and requires that the material and the objections be carefully studied by a review committee.

That policy was bypassed, Gentry said, because "I always have the prerogative to make an administrative decision and I did that and I don't apologize for it. A parent was offended by the language in the book, and we're not going to teach that here in school. The book is on the adopted and approved list, but we don't need to be teaching that. It has profanity."

Since the book was withdrawn, some parents who did not object to it, reportedly complained about the removal. Becky Payne, whose 14-year-old daughter is in the class said, "I am very upset that one parent can decide what my child can study and that the proper procedure was not followed in this matter."

The Cookeville Junior High library does not have the book "because it is considered not appropriate for the junior high age group," according to Billye Margaret Bartlett. Reported in: *Cookeville Herald-Citizen*, November 30.

Conroe, Texas

The Autobiography of Miss Jane Pittman, a novel by Ernest Gaines celebrating a woman's rise from slavery, was pulled from a seventh grade class after complaints by some members of the black community. A school district representative said several black parents and residents complained about racial slurs in the book, which was being used in a course on racial tolerance.

The acclaimed 1971 novel, told from the viewpoint of a fictional 110-year-old former black slave, was made into an award-winning television movie starring Cicely Tyson. Protesters "expressed concerns that the students were made uncomfortable when passages from this book were read aloud prior to discussion of the passage," the district representative said. Reported in: *Boston Globe*, January 19.

student press

Troy, Alabama

The news at Charles Henderson High School is that there's been no newspaper this year. *The Trojan Myths*, which for several years won state awards for writing, editing and content, has been unable to get an issue past a publication review committee, editors Stephen Stetson and Chas Womelsdorf said. The committee was established after last year's editors complained that Principal Lavon Cain was arbitrarily censoring the paper.

This year's editors say the committee violates its own guidelines by deleting stories they don't agree with rather than basing criticism on journalistic or editing standards. "They make comments about grammar and spelling, but they censor stories they don't like based on their judgment about whether they're appropriate for students or not," Womelsdorf said.

"They're approving stories on the football team and faculty members but anything that would cause students to think was marked out," complained Stetson. He charged that several articles about censorship were deleted from an editorial page and a story about a rock concert was red-lined because of claims of "immorality" owing to references to topless women and the sale of beer at the concert.

When the editors blacked out the offending passages and resubmitted the paper, the board did not respond and the editors took the paper to where it is usually printed. The printer advised the students and representatives from Freedom Forum who accompanied them that Cain had instructed him not to print the paper. A television team from Freedom Forum interviewed the students until police appeared to tell the Freedom Forum representatives that they were "trespassing" and had to leave.

According to *Trojan Myths* staff, the situation then reached a stalemate. "We've asked to meet with the review committee and Mr. Cain told us we can't," Womelsdorf said. Parents requested a meeting with the school board in hopes of remedying the controversy.

In response to press inquiries, Cain issued a statement which said: "I can assure you that the school administration is doing what it's supposed to do in that we're following the student publication procedures approved by our school board and we will continue to do so. On the advice of our school board attorney, it would be inappropriate for me to make further statement at this time." Reported in: *Troy Messenger*, November 15.

speaker

Topeka, Kansas

Poet Maya Angelou was "extremely shaken" by two weekend encounters in Topeka with an anti-homosexual crusader, who claimed victory on November 14 after the poet canceled an appearance scheduled for that evening at Emporia State University. Angelou postponed the sold-out speech after confrontations with the Rev. Fred Phelps, Sr., and his followers before each of two performances in Topeka the previous day.

"She was very concerned that there would literally be violence on the university campus," said Kenny Rahtz, vice president of Greater Talent Network, the agency responsible for Angelou's Topeka bookings. "The protesters threatened to follow her down there, and she was worried about the possibility of bloodshed. She's held in such high regard by college students, by black students in particular. She was afraid they might be over-protective."

Phelps, pastor of the Westboro Baptist Church in Topeka, and a small group of his followers often show up at appearances in Kansas and elsewhere by those they perceive as supporting homosexuals. Last year, the City Council in Kansas City, Missouri, adopted a limited anti-picketing ordinance when Phelps vowed to picket the funeral of a young composer who had died of AIDS.

Phelps said he and his church's members were "delighted" that Angelou postponed her Emporia State presentation. "That's why we do what we do," he said. "We want to deter prominent people from promoting that particular lifestyle." Phelps cited Angelou's inclusion of the words "the gay" in the poem "On the Pulse of Morning," which she read at President Clinton's inauguration. Reported in: *Emporia Gazette*, November 15.

foreign

Cairo, Egypt

An eight-story Censorship Building will soon rise in

Cairo. The building is to provide government censors with modern offices, new film screening rooms, video facilities and music studios where singers can have their lyrics and tunes vetted prior to recording.

The new building is part of a "censorship development plan," which was announced in late October by Egypt's minister of culture, Farouk Hosni. The censor's office is attached to the culture ministry and is presently housed in cramped and ramshackle offices in the State Information Building in Cairo.

The plan also includes introduction of a "censorship training program" at Egypt's prestigious Academy of Fine Arts. "Students will be trained in censorship by drafting reports on films and other art works," Atef Monsef, undersecretary at the Culture Ministry, said. Monsef is reportedly the architect of the new censorship project.

"The last thing Egypt needs is an eight-story censorship building," retorted Mustafa Darwish, Cairo's leading film critic. "Censorship is already destroying our film industry." Reported in: *Variety*, October 31-November 6.

Paris, France

Government censors punished a radio station January 6 with an unprecedented 24-hour shutdown because one of its talk show hosts described reports of a policeman's murder as "good news." It was the first time that a major radio station in France had been suspended from broadcasting.

The president of Skyrock radio, Pierre Bellanger, apologized for the remark and said the offending program would be taken off the air temporarily. But he protested the decision by the government-appointed Higher Audiovisual Council to impose a 24-hour shutdown.

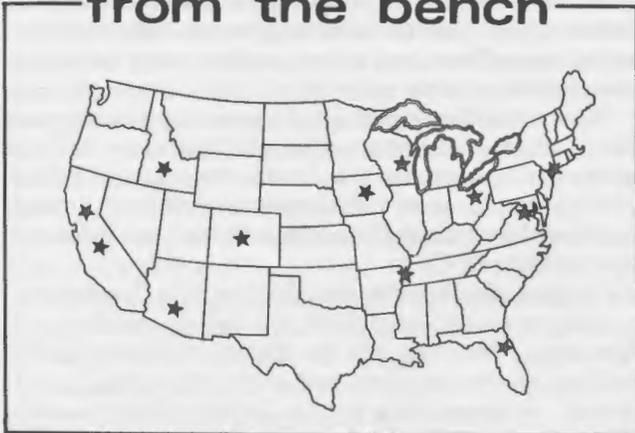
"We are a national medium with two million listeners being censored without the possibility of a hearing," Bellanger said. "It's a precedent which should concern all the media."

The audiovisual council said its action was based on a 1986 law requiring broadcasters to "safeguard public order" and respect "personal dignity." Reported in: *Philadelphia Inquirer*, January 7.

Hong Kong

Hong Kong is scrapping parts of a movie censorship law that legislators feared could be used by China to restrict freedom after it recovers the British colony in 1997. Legislators voted overwhelmingly December 7 to repeal the provision that allowed authorities to cut or ban movies that could "seriously damage" Hong Kong's relations with other countries. Reported in: *Honolulu Advertiser*, December 8. □

—from the bench—



U.S. Supreme Court

The Supreme Court on November 14 set aside a ruling that a New York College violated a professor's speech rights when it demoted him for a zealously antisemitic speech. Leonard Jeffries touched off a controversy three years ago when he vilified Jews as the enemy of black people. In *Harleston v. Jeffries*, the justices vacated an appeals court decision that Jeffries be returned to the chairmanship of the Black Studies Department at City College of New York. The appeals court had said the First Amendment protects speech on public matters, "no matter how vulgar."

The Supreme Court told the U.S. Court of Appeals for the Second Circuit to reconsider its ruling in light of a high court decision in May reaffirming the broad power of government entities to restrict employees' speech. While the action was a setback for Jeffries, it is not clear how the dispute ultimately will be resolved. The complex May ruling, *Waters v. Churchill*, emphasized the "extra power" government has over its employees' speech. But that power is not unlimited, and public employees have certain procedural rights when faced with disciplinary action for their speech.

The May ruling allows a public employer to discipline a worker for speech that could reasonably be expected to harm an agency. A key question for the appeals court is whether it was reasonable for City College to believe that Jeffries's declarations would hurt the school.

In his 1991 speech at the Empire State Black Arts and Culture Festival, Jeffries said that "rich Jews" had financed the slave trade and that Jews in Hollywood had conspired to "put together a system of destruction of black people" in their film depictions. After the highly

publicized speech and ensuing controversy, college officials reduced Jeffries's department chairmanship from a three-year term to one year and removed him from his post. He kept his professorship with the same pay and benefits.

Claiming his First Amendment rights had been breached, Jeffries sued Bernard Harleston, president of City College, which is part of the City University of New York, and several CUNY officials. A district court, while acknowledging the speech was "hateful, poisonous and reprehensible," ruled that Jeffries should be reinstated and awarded him \$360,000 in punitive damages. The court said college officials had failed to show the speech had hurt the operation of the college, which might have justified removing him from the chairmanship. The appeals court affirmed the heart of the judgment, saying "central to our constitutional democracy is the right to speak on political or social matters without fear of retribution by the government." It ordered a new trial on the punitive damages.

In its April, 1994, ruling, the appeals court agreed that the college had not shown its operations were significantly disrupted by Jeffries's speech. In the college's petition to the high court, New York Attorney General G. Oliver Koppell said the appeals court set too high a standard for government trying to show the negative effects of "hate speech" by a university leader.

"University administrators may no longer act to protect their institutions until harm is manifest, an approach which is antithetical to responsible stewardship," the petition to the high court said. Jeffries countered that whatever fears the school may have had immediately following the July 1991 speech had dissipated by March 1992 when he was stripped of his chairmanship. Reported in: *Washington Post*, November 15.

In a case that tests the government's power to limit free speech in the marketplace, *Bentsen v. Coors Brewing Co.*, the Supreme Court heard arguments November 30 on whether a sixty-year-old federal law unconstitutionally bars brewers from disclosing the alcoholic content of their products. The court ruling, expected in the spring, also may clarify how far the government can go in restricting advertising of "socially harmful" activities, such as gambling and the consumption of alcohol and tobacco.

At issue is the constitutionality of a 1935 statute, enacted just after repeal of Prohibition, that prohibits alcohol content from appearing on beer labels or advertisements unless required by state law. Ten states do require disclosure of alcohol content on beers above or below certain levels.

The law also prohibits words that suggest a real alcoholic punch, such as "strong," "full strength," "extra strength," "high test," and "high proof."

The rationale behind the law is that, without it, brewers would raise the alcohol content of their beers in order

to meet or beat competition. The government does not, however, see the same risk in wine and hard liquors. On these bottles the labels are required to show alcohol content.

The Coors Brewing Company has been challenging the beer labeling law since 1987. More and more Americans want less alcohol not more, Coors lawyers claim. They argue that there is "no evidence of strength wars among brewers" in states and countries where laws require alcohol content to be stated on beer labels.

U.S. District Court Judge Zita Weinshienk of Denver, who first heard the case, agreed. "Beer drinkers are interested in light beers, low calories, moderation. It's extremely important that they be able to know the content of what they're drinking," she said. An appellate court agreed.

The Justice Department, however, pressed on to the Supreme Court where government lawyers insisted that "the continuing risk of strength wars is real." Why else, they asked, would Coors distribute wallet cards showing how much alcohol is in their beers and those of competitors? Why else would the company produce a higher alcohol beer called Coors Extra Gold? In fact, the government argued, Coors' motive for challenging the restriction was to dispel its image as a brewer of weak beers.

"We were concerned with industry gossip that Coors was a watery beer," company representative Willis Lyford acknowledged. "But those rumors have drifted away now. The issue is the First Amendment. We have an 800-number hotline and 50 percent of our callers want to know the alcohol content of our beers." Reported in: *Phoenix Gazette*, November 19; *U.S. Law Week*, January 3.

church and state

Grangeville, Idaho

Student-initiated prayers at public high school graduations violate the Establishment Clause, the U.S. Court of Appeals for the Ninth Circuit decided November 18, opening a split between the federal circuits that must ultimately be resolved by the U.S. Supreme Court. In *Harris v. Joint School District No. 241*, the court said the school district still funds and controls the graduation and can't shirk its constitutional responsibilities by delegating them.

By a 2-1 margin, a panel of the court decided that the Grangeville school district violated the First Amendment's prohibition against government establishment of religion by allowing students to vote on whether to have prayers at their high school graduation ceremonies. Several students challenged the policy, which dated to 1990, in a lawsuit backed by the ACLU.

"We cannot allow the school district's delegate to make decisions that the school district cannot make," said the majority opinion by Judge Charles E. Wiggins.

The court overturned a ruling by a U.S. District Court judge in Boise, Idaho, that student control over the graduation prayers distinguished the case from the Supreme Court's 1992 ruling in *Lee v. Weisman*. That case held that prayers delivered by a rabbi at a Rhode Island graduation violated the Constitution's establishment clause.

The panel also said it was not persuaded by an opposite 1992 ruling by the U.S. Court of Appeals for the Fifth Circuit in *Jones v. Clear Creek Independent School District*. In *Jones*, the court held that a Texas district's policy of allowing students to vote on graduation prayers was not as coercive to students as when school officials themselves decided to include prayers. The Supreme Court declined to review *Jones* in 1993, and prayer advocates have cited its reasoning as the basis for promoting student-led prayers nationwide.

In explicitly rejecting *Jones*, the ninth circuit panel reasoned that state involvement remains because students were able to vote only because the school district allowed them to. The district still "ultimately controls" and "underwrites" the event. "Giving majorities the power of the state without constitutional restrictions undermines the limitations on majority oppression the Constitution establishes," it said. Reported in: *Education Week*, November 30; *U.S. Law Week*, November 29.

Polk County, Iowa

Polk County did not violate the First Amendment in ordering an office supervisor to stop using government resources to support an employee religious group and to remove religious objects, including a Bible, from his office, the U.S. Court of Appeals for the Eighth Circuit ruled October 6.

The supervisor alleged that the county infringed his speech rights by directing him to refrain from prayer and voicing his born-again Christian convictions. But the court said the directive didn't apply to private prayer or off-duty activity. It added that the supervisor's problems in managing his division, for which he was fired, were related to his religious speech.

Moreover, the county's duty to avoid violating the Establishment Clause and to protect the free exercise rights of other employees, plus the employee's status as supervisor of fifty and the adverse effects on efficient operations of his religious conduct in the office, out-balanced his free exercise rights, the court found. Reported in: *U.S. Law Week*, October 18.

schools

Kenosha, Wisconsin

The Kenosha School District did not violate students' constitutional rights by banning a showing of the Academy Award-winning movie *Schindler's List*, a federal judge ruled January 5. U.S. District Court Judge John W. Reynolds said the district had a firm policy of not allowing any R- or X-rated movie to be shown to students and that ban extended to Steven Spielberg's holocaust film, which was rated R.

The controversy began in February, 1994, when Bradford High School Principal Joseph T. Mangi denied a request by several teachers to show the movie as part of a class on the Holocaust. Backed by the ACLU, Bradford student Benjamin J. Borger and his father, Darrell J. Borger, sued the district in August, challenging the ban.

"The School Board has established, through literature on the Motion Picture Association of America, that relying on the ratings is a reasonable way of determining which movies are more likely to contain harsh language, nudity, and inappropriate material for high school students," Reynolds wrote. "An R-rating indicates that reasonable people could determine that high school students should not view the film. That 'reasonableness' is all that is necessary in a high school setting."

Borger's attorney said he would urge his client to appeal to the U.S. Court of Appeals for the Seventh Circuit. "This isn't a victory for education," attorney Terry Rose said. "There is an important constitutional issue in this case. This is the kind of movie that ought to be shown." Reported in: *Milwaukee Sentinel*, January 6.

periodicals

Tallahassee, Florida

The Florida Supreme Court on December 8 overturned an 83-year-old law that made it a crime to broadcast or publish the names of victims of sexual assaults. The unanimous opinion, arising from the 1991 publication of the name of the woman who accused William Kennedy Smith of rape, may discourage some rape victims from reporting the crime, some victims' advocates said. But a lawyer for the *Miami Herald*, the *St. Petersburg Times* and other media that intervened in the case said most newspapers would not release the names of rape victims unless there was a compelling reason to do so.

Although the names of victims of rape and other sex-related crimes will continue to be exempt from the public records law, the court opinion removed any criminal penalties for publishing or broadcasting the names if they are legally obtained.

Patricia Joyce Bowman, the woman who accused Smith of rape in 1991, insisted on maintaining her privacy throughout the investigation and the trial that received

worldwide attention. But *The Globe*, a Boca Raton tabloid, published Bowman's name. David Blutworth, then the Palm Beach County state attorney, charged the paper with violating the 1911 law that was overturned. The charges were the first known use of the statute.

In a 6-0 opinion, the Supreme Court affirmed lower state court decisions that found the law unconstitutional. Justice Gerald Kogan noted that the lower courts relied heavily on a 1989 U.S. Supreme Court ruling that a North Florida newspaper could not be held liable under civil statutes for publishing a rape victim's name that had been legally obtained.

"A state may not automatically impose liability for the publication of lawfully obtained truthful information about a matter of public concern," Kogan wrote. Reported in: *Miami Herald*, December 9; *St. Petersburg Times*, December 9.

New York, New York

A federal judge in New York refused December 1 to block Penthouse International from publishing seminude pictures of Paula Corbin Jones, the former Arkansas state employee who sued President Clinton for sexual harassment. Judge Peter K. Leisure ruled that "the photographs do have a relationship to the accompanying article, and the article is a matter of public interest." Judge Leisure had previously issued a restraining order against publication while he considered Jones' \$30 million invasion of privacy suit against Penthouse. *Penthouse* magazine's December 6 issue contained the photos and an article challenging the credibility of Jones. Reported in: *Wall Street Journal*, December 2; *Philadelphia Inquirer*, December 2.

English-only

Phoenix, Arizona

An Arizona constitutional provision that prohibits state and local employees from using any language other than English while performing official duties violates free speech rights and is unconstitutionally overbroad, the U.S. Court of Appeals for the Ninth Circuit held December 7.

The First Amendment gives government some leeway to restrict public employee speech in the interest of efficient government operations, but that rationale does not justify the English-only rule, the court said. A rule that forces public employees to "remain mute before members of the non-English speaking public who seek their assistance" is hardly conducive to effective operations, it said.

No matter what level of scrutiny is applied, the English-only rule is not justified by the state's asserted interests, the court said. The state argued that the rule promotes

national unity. But, the court noted, that argument was rejected by two U.S. Supreme Court cases in the 1920s. Reported in: *U.S. Law Week*, December 20.

commercial speech

Fresno, California

A Fresno ordinance restricting door-to-door distribution of advertisements and certain other written materials is unconstitutional, the California Fifth District Court of Appeals ruled December 23. The ordinance had barred distribution of advertisements or newspapers at a location at which the property owner has posted a sign prohibiting such distribution and at places where previously distributed materials have not been picked up.

The ordinance was invalid, Justice William Stone wrote, because both of its provisions "restrict the distribution of certain categories of protected speech and the press to the exclusion of other categories, and the City of Fresno failed to carry its burden of demonstrating a content-neutral justification for the disparate treatment."

The ruling reversed a judgment rendered in favor of the city following trial of a suit by the company which publishes *Metronews*, a weekly newspaper delivered by independent carrier to non-subscribers. Reported in: *Metropolitan News-Enterprise*, December 27.

Sacramento, California

A California statute that regulates environmental claims in advertising does not curtail speech in violation of the First Amendment, the U.S. Court of Appeals for the Ninth Circuit declared November 18. The statute prohibits manufacturers or distributors of consumer goods from representing their products as "ozone friendly," "biodegradable," "photodegradable," "recyclable," or "recycled" unless the products satisfy certain statutory definitions.

Using a 1980 U.S. Supreme Court commercial speech test, the court first determined that "green marketing" claims are at least potentially misleading to the public, thereby justifying some form of regulation. Also, the state has a substantial interest in ensuring truthful advertising and in encouraging conservation, the court said.

These interests are directly advanced by the statute, the court continued. It provides uniform standards, gives firms that market non-complying products an incentive to improve their products, and protects ecologically sensitive companies from unfair competition. The court also found the statute no more extensive than necessary. Reported in: *U.S. Law Week*, December 6.

gay rights

Denver, Colorado

Colorado voters' reply to the state's emerging gay rights movement was declared unconstitutional October 11 by the Colorado Supreme Court. The court held that a voter-initiated state constitutional amendment prohibiting local governments from enacting civil rights protections for gay men, lesbians and bisexuals violated the Fourteenth Amendment's Equal Protection Clause.

Previously, in 1993, the court held that the amendment demanded strict scrutiny under the clause because it deprived gays and bisexuals of the fundamental right to participate equally in the political process. This time around the court held that the state had failed to show that the amendment was narrowly tailored to advance a compelling state interest. Reported in: *U.S. Law Week*, October 18.

cyberspace

Memphis, Tennessee

A California couple were sentenced to at least two and a half years in prison December 2 for sending pornographic images by computer in a case that raised questions about how to apply obscenity law in cyberspace. The prosecution of the couple, Robert and Carleen Thomas, was the first obscenity case in which operators of a computer bulletin board were charged in the place where the material was received, rather than where it originated.

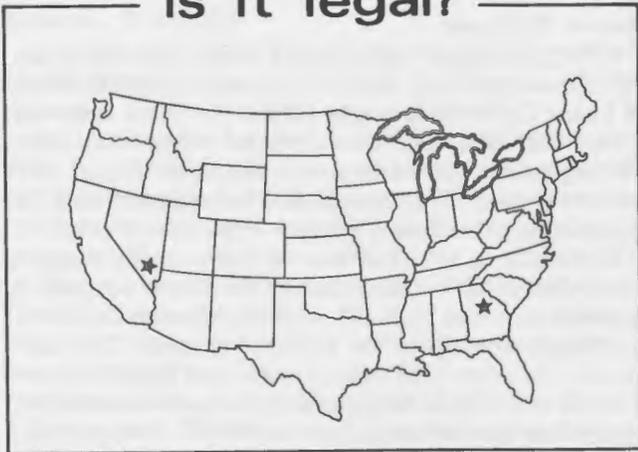
In July, the couple was found guilty of transmitting obscenity over interstate telephone lines. A postal inspector testified that he had joined the bulletin board under a fake name and received the images in his computer in Memphis.

Mr. Thomas was sentenced to three years and a month in prison, and his wife got two and a half years. Under federal sentencing rules, they must serve their full terms. U.S. District Court Judge Julia Gibbons also said the government could seize the computers and equipment the couple used to run their bulletin board.

The Thomases, who live in Milpitas, California, near San Francisco, declined to comment after sentencing. Their lawyer, Thomas Nolan, said he would file an appeal focusing on the Supreme Court's 1973 ruling in *Miller v. California* that defined obscenity by local community standards. Reported in: *New York Times*, December 3.

(continued on page 57)

is it legal?



schools

Oconee County, Georgia

A proposed new media policy for Oconee County schools would allow parents to restrict children's access to books, but would not create a restricted area nor prevent general access to specific titles. The revised policy was reviewed January 9 by the Board of Education.

The new policy allows parents to restrict their children's access to materials according to title and/or author. The policy does not offer media committees the option of restricting student access to books that have been challenged. These must either be removed or retained without restriction.

Last August, the board instructed the system Media Committee to revise and strengthen the policy following the rescision of a controversial board policy banning all materials with "explicit sex." In September, the committee had voted to remove eight novels by V.C. Andrews from district libraries but to retain one Andrews work, *Garden of Shadows*, on a restricted access basis, the only book to be so categorized (see *Newsletter*, November 1994, pp. 187-88; January 1995, p. 6).

The new policy differs from the old one mainly in establishing a process for screening all incoming materials for use in the school media centers and by creating a list of criteria for purchase.

Only board member James Hunter suggested any changes or additions to the proposed policy, which received the unanimous endorsement of the media committee. Hunter, who has attempted to ban books with profanity and "explicit sex," recommended adding the words "educational suitability" to the list of criteria for purchasing materials.

The board rejected an attempt by Hunter to include language submitted by conservative attorney Josh Kenyon of Southeastern Legal Services that would have the school board oppose materials that describe or represent sexual conduct and excitement or sexually explicit nudity.

"Because of what we went through with the V.C. Andrews books, I want to make sure this same thing doesn't happen five or ten years down the road," Hunter said. "I think if we have this statement in policy, we won't have to worry about book challenges."

Board member Chuck Horton disagreed. "I hope that no matter what policy we come out with, no one is under the illusion that we won't have book challenges in the future. We come from a diverse community with diverse opinions as to what's offensive. The strength of the system is that anyone could challenge a book, and we welcome their input."

"So if I didn't want my child to read books by a certain author," Horton continued, "I would come to the school and sign a form — then he can't check out the book. I guess what I want to know is who's going to be the watchdog? If my son were to be studious and go to the library and on his own to read the book, who's to stop him? Basically, I have to rely on myself as a parent that I can trust him." Reported in: *Athens Banner Herald*, December 2, 13, January 10; *Athens Daily News*, December 1, 2, 13, January 9; *Atlanta Constitution*, January 10.

Las Vegas, Nevada

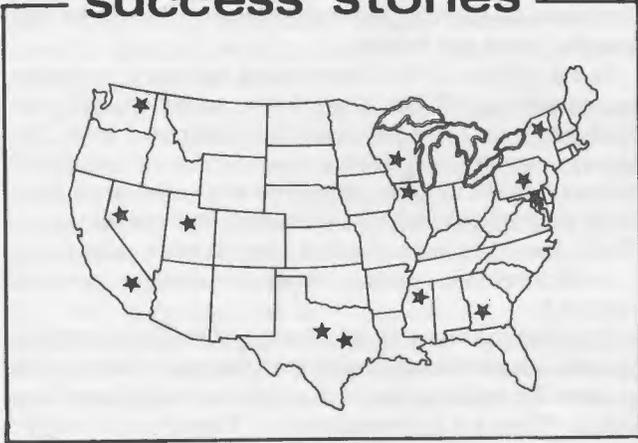
Changes in a regulation dealing with instructional materials, proposed by a conservative parent group at a school board meeting January 10, met with public outcry about infringement of First Amendment rights. School district staff did not endorse the changes and presented revised wording to the board because they could not agree with members of Nevada Concerned Citizens.

The proposed revision would state, among other things: "Moral issues with no solutions which have the potential to cause negative emotions in the young [are to be avoided]"

Members of the citizens' group were concerned that certain subjects explored in the classroom as impromptu lessons could be offensive to certain family beliefs. Of particular concern was that children might be pressured to participate in inappropriate class discussion, especially something outside the approved curriculum. Critics of the proposed changes said the wording would restrict discussion of topics such as teen pregnancy, AIDS, divorce and suicide.

"Ego-destructive" materials and procedures were to be restricted by the proposed revision, which sought to make virtually all personal discussion taboo. Reported in: *Las Vegas Sun*, January 11, 12. □

success stories



libraries

Alabaster, Alabama

Citizens who have been protesting the placement of controversial disc jockey Howard Stern's *Private Parts* in the Scott Public Library in Alabaster worked out a compromise last fall with library officials. According to a new policy that went into effect in late January, parents will have an opportunity to limit their children's access to "juvenile" books only by filling out a form. However, works like Stern's will remain on open library shelves available to all adult readers and to all children whose parents have not filled out the form. The policy was approved by the library board on January 16.

"If a parent wants to monitor their child's books to that extent, it is a way for a parent to get more involved," said Library Director Nan Thomas, "and that's who should be making those decisions."

"*Private Parts* sparked the resignation of a library board member in March, 1994. Later, in September, a Baptist youth group picketed the library to protest the book's presence. Shelby County District Attorney Robby Owens called the Stern book "obscene" and threatened to prosecute the library for circulating it, although no action was ever taken.

Debra Valenti, leader of the Alabaster chapter of Citizens Against Pornography, said she accepted the compromise but was disappointed the library would not dispose of the book or at least reshelve it so that minors could not have access to it. She noted that the form would not prevent children from looking at the book in the library.

"They gave us the least they could," Valenti said. "I think we have a good rapport and we as a community made a statement to them — that they're accountable to people in the community in their choice of materials."

"This kind of book is a fad," Valenti continued. "It'll die out, but there'll be others coming. We don't need to order those others. Just because pornography is in demand doesn't mean you have to offer it. We will continue to observe and keep an eye on things." Reported in: *Birmingham News*, June 29, September 30, October 3, 24, December 3.

Loganville, Georgia

After listening to a plea to adhere to "moral values," the Loganville High School Media Committee, by a 9-0 vote, struck down an attempt to ban from the school John Steinbeck's *Of Mice and Men*. Some forty opponents of the ban applauded loudly following the voting. The committee was made up of teachers, an assistant principal, a student, a parent, and a library staff member.

Of Mice and Men was challenged by Kathy Davis, who objected to its "vulgar language throughout." Asking that the book be removed from both the curriculum and the school library, Davis told committee members she "wasn't trying to inflict my values" on other children, "but we need to make sure we are on the right track."

"They're sending mixed messages to our children," Davis said. "They'll tell them they'll be punished for using this language, but they let them read this in the classroom." The book was temporarily removed from library shelves and the teachers' book collection following the complaint.

"We're very relieved about the decision," said Pam Pierson, one of the book's supporters. During the hearing, Pierson said that one person should not have the power to "take books off the shelves."

English teacher and media committee member Suzanne Gordon said *Of Mice and Men* has universal themes and is a "teachable, good book." She said that if parents object to any book used in a class, an alternative assignment will be provided. Reported in: *Atlanta Journal*, November 16, 18; *Walton Tribune*, November 20.

Lincolnwood, Illinois

Vladimir Basich called the book "a damn lie," but the Lincolnwood Public Library board found Alex Dragnich's *Serbs and Croats* to be merely a statement of opinion and a respected work of scholarship. The board refused Basich's December request to ban the book.

"Books like this should not be in any library because they're written with only one purpose and that is to defame," Basich said. He charged that the book is pro-Serbian and anti-Croatian.

When Basich, who works for the Croatian Cultural

Center in Chicago, returned the Dragnich book after checking it out in November it was covered with written comments. Librarians told him he would have to pay for it, but, according to a police report on the incident, he grew abusive and hinted that he and other Croatians would burn down the library if the book were not taken off the shelves. Basich later paid for the volume and no charges were filed.

Basich complained that the library lacked books from a Croatian perspective because, he charged, the U.S. publishing industry is dominated by Serbians. Library Director Cynthia Josephs said, however, that she had conferred with Basich and had ordered three books that he recommended.

Several Serbians who attended the meeting after word of Basich's complaint was broadcast on a Serbian radio program said that solution was acceptable if the Dragnich book and others remained in the library. "If you get five or six Croatian books, I will not deface them," Vera Pukic said.

Board member Arnold Weil's motion to keep the book in the library passed unanimously. "The library does not have political opinions," said board President Ben Siegel. "We try to buy the best possible books as we see them to enable people to form their own opinions." Reported in: *Lincolnwood Life*, December, 29.

Sparks, Nevada

Four controversial sex-education books will remain on the children's shelves of the Sparks Branch Library, Washoe County Library trustees decided November 21. The trustees unanimously agreed that a special panel of librarians acted properly last July when it decided against Sparks Pastor David Peddicord and in favor of keeping the books where children can find them on their own.

However, trustees promised Peddicord and his supporters that the policies and procedures that put the books on the shelves would be reviewed in the future. "Bear in mind, this is an ongoing process and as time goes by the processes will be examined and corrected if correction is needed," Trustee Michael Buckley said. Reported in: *Reno Gazette-Journal*, November 22.

Salt Lake City, Utah

The Salt Lake City Library Board voted 5-2 November 29 to keep four paintings of nude women on display at the Anderson-Foothill Library through December 30, when the exhibit of recent work by artist Sam Collett was scheduled to end. The board also rejected suggestions that it place a notice at the entrance to the library advising patrons that some of the art on display contained sensitive material.

"It would be a very bad thing for the city and the people who use this library to restrict what choices we have," said board member Robert Edminster. "To pull

those pictures off the wall would be a grave mistake." The board also agreed, however, to review the way branch libraries select art exhibits.

Five neighbors of the library asked the board to remove the paintings. "When the library received rock star Madonna's sex book they put it in a restricted area. The library does not buy *Playboy* for economic and other reasons," said Luke Ong, who lives across the street from the branch but was not one of the original complainants. "But when they put up a full frontal nude painting in a public exhibit, parents need to exercise parental control."

Ong told the board that "libraries should not overrule parents. I am not asking to censor. The artists have a right to paint the exhibit. But is it a library or a gallery?" he asked. "Today it is frontal nudity. Tomorrow it may be graphic violence and perhaps the next day hatred against a religious group." "This is not pornography," said library board chair Kate Leahey. "In order to claim something is pornographic you have to show it violates community standards and has prurient interest."

Ong spent \$3,000 of his own money on Salt Lake newspaper advertising seeking donations for the non-profit Citizens for Safe Libraries, which he founded in late December. After the exhibit ended, Ong, his wife and auto dealer Rick Warner filed suit against the library and its exhibit policy. Reported in: *Salt Lake Tribune*, November 30, December 31; *Deseret News*, November 30, January 4-5.

Spokane, Washington

An award winning author said she was "flabbergasted" that a book based on her memories of fried chicken, watermelon, and beer at family picnics was challenged for stereotyping African-Americans. A Spokane couple in November filed an objection to *Tar Beach*, by Faith Ringgold, asking that it be removed from district elementary school libraries. On December 9, the district decided to keep the book.

Ringgold wrote and illustrated *Tar Beach* about her family's rooftop picnics in 1930s Harlem. The family called the roof of their apartment building Tar Beach. Fred and Pamela Fuller, an interracial couple with three children, particularly objected to one page. The text reads: "Mommy is roasting peanuts and frying chicken, and Daddy will bring home a watermelon. Mr. and Mrs. Honey will bring the beer..."

"This is such a black stereotype," Pamela Fuller wrote in the complaint. The book "makes it sound and look like beer consumption is OK." *Tar Beach* won a Coretta Scott King Illustrator Award for its portrayal of minorities.

"I am a black person and I am expressing part of being American," said Ringgold. "It would be unreal for

parents in the 1930s to go up on a roof and not take some beer. That would be a joke." Ringgold added that she doesn't consider eating watermelon and fried chicken stereotypical of blacks.

"It seems to me this kind of censorship can reduce education to meaningless kinds of mundane descriptions of life that have no historical background, that have no essence, no feeling," Ringgold added.

The district committee that considered Fuller's complaint said the committee "would have preferred not to have the term 'beer' used in a story read by children," but "they conceded that consumption of beer by adults as portrayed in the story is a legal activity and was not presented in an inappropriate manner." Reported in: *Spokane Spokesman-Review*, December 10.

schools

Elkton, Maryland

The Cecil County Board of Education refused appeals December 12 to ban two English textbooks that a conservative group labeled "offensive." The two texts, *Short Takes* and *The Short Prose Reader*, were approved by a 3-1 vote. Twenty-five people rose to speak at the meeting, with just five voicing approval of the books.

Many deemed the texts controversial because they included essays dealing with issues of abortion, gay rights, alcohol and sex education. Parent Gayle Johnson seemed to speak for many when she said, "If this superintendent and this board think this is the type of material that should be presented, then it's time to go. You want to teach my children moral issues that you have no business teaching. That is my responsibility."

"I should not as a taxpayer have to put my children in a Christian school to protect them against religious discrimination," added Basil Perry. "Discrimination is exactly what these books do."

Opponents, led by Jim Rogers, director of a local conservative group, Mission America, objected to about eight short selections from among the 166 essays and stories in the two books. They charged that "The Ambivalence of Abortion," an account by a woman who had an abortion, offered support for the abortion rights position without providing an opposing view. They also objected to articles advocating legalization of drugs, which was paired with an essay opposing legalization, and one that tells how Coors brewery makes beer as an example of technical writing. "Our concern is, are they pushing a liberal point of view in the name of creating writing?" Rogers said.

Cecil County Schools Superintendent Jerry L. Kunkle had previously recommended approval of the books, which were used on a trial basis at a high school last year. He said teachers and students liked the books and no one

complained about them. However, this fall a parent approached Rogers with concerns about some of the articles and he began a campaign against the books.

Board members Glenn Jensen, Roxanne Barger and Michael Gordon voted to approve the books, while Helen Brown dissented. Board president Johnny Lough expressed opposition to the approval, but as president he may vote only to break a tie.

"As one with a degree in communications and English," Barger told the audience, "I can assure you that these books are very minor compared to what will be taught in college. If you as parents give your children the moral foundation, you do not have to worry about what they will be exposed to in a textbook. They are not going to learn anything in these books that is not already in society today." Reported in: *Cecil Whig*, December 8, 13; *Wilmington News-Journal*, December 12, 13.

Hudson Falls, New York

School Superintendent John G. Zeis said November 21 that he supported the use of three controversial books in the district's English curriculum, but he proposed getting parents more involved in the selection process in the future. Zeis upheld a review committee recommendation released the previous week that found *The Chocolate War*, by Robert Cormier; *Boy's Life*, by Robert McCammon; and *Go Tell It On the Mountain*, by James Baldwin, appropriate for use in a ninth-grade advanced placement English class.

A group of parents filed a complaint in August against the books, charging that they contain graphic language, sexual references and inappropriate themes (see *Newsletter*, January 1995, p. 13). In a statement, one of the parents expressed "shock" at the decision, which he called a product of "twisted logic." "Is this what our educators are teaching our young children?" said Bruce VanGuilder. "That it's great to read books with graphic sexual depictions because the material will have 'no lingering effect' on them?"

Zeis acknowledged that the books contain "some rough language and some sexual and violent passages" but agreed with the review committee of five teachers and a principal that these were not excessive. "The purpose of the AP program is to expose our students to college caliber work and prepare them for a national exam; Zeis wrote in his report. "To fail to expose our students to college-level work (including language and experiences acceptable and expected in college-level literature) would defeat the purpose of the program."

Zeis went on to propose that, in the future, an annual meeting between parents of prospective AP students and teachers review the literature for the course. If any parent questions the use of a particular book and no consensus is reached, then a vote of the parents will be taken. The book will not become required reading for the class if

40 percent or more of the parents object to it.

Van Guilder called the proposal "a step in the right direction," but expressed skepticism about its effectiveness. "It's very obvious that parental input is only wanted as a rubber stamp," he said. Reported in: *Glen Falls Post-Star*, November 11, 16, 22.

Carlisle, Pennsylvania

The Big Spring School Board voted 6-2 December 5 against banning *I'll Be Seeing You*, a murder mystery by Mary Higgins Clark, from tenth grade English classes. "Since the English Department is recommending the book, I personally don't feel we should remove it from the adoption list," said Jim Showvaker. Reported in: *Carlisle Sentinel*, December 6.

Richardson, Texas

The Richardson School Board declined January 9 to ban an award-winning novel but did decide that parents should be notified when *The Egypt Game*, by Zilpha Keatley Snyder, is used in class. Three parents requested that the book not be used in classes because it shows children in dangerous situations, condones trespassing and lying to parents, and teaches children about the occult.

The board voted 5-1 to keep the book for use as supplemental classroom reading. The vote affirmed previous decisions by school and district review committees. "I thought it was marvelous," said board member Mary Hibbs of the book. "Not to make light of the parents' concerns, but that didn't make it controversial in my mind." The book also remains available in school libraries.

Pamela Fox, one of the three parents who objected to the book said it was "potentially harmful." The two other parents, Larry and Barbara Wortham, said its story "conflicts with the warnings we give to our children about safety."

But Thelma Gray, director of the district's library and media services, said the book is an excellent mystery novel, valued for its original plot, use of suspense, humor and characterization, and for showing enriching relationships between children of different cultures. "Children are taught early on if something is fiction or nonfiction, if something is real or make-believe," she said. Reported in: *Dallas Morning News*, January 10.

Round Rock, Texas

Opponents of Maya Angelou's *I Know Why the Caged Bird Sings* said they could live with Superintendent Tom Norris's ruling that the book remain in the Westwood High School freshman pre-AP English curriculum. Norris also ruled that parents must first give their children

permission to be taught potentially controversial literature.

Parents in the rapidly growing Austin suburb objected to the sexually frank language and content of the book as well as to some other novels that were not formally challenged, including *Bless Me, Ultima*, by Rudolfo Anaya, and *House Made of Dawn*, by M. Scott Momaday (see *Newsletter*, January 1995, p. 14). But a school committee reviewed the book and ruled unanimously in its favor, as did a district committee. Norris supported the committee decisions, with the proviso that parental permission be obtained. "To me, my decision is about as win-win as you're going to find," he said. "I can't support removing the book."

Although parents could still appeal the decision to the school board, one of the protesters told the board in December that he was satisfied with Norris's approach. In November, eleven people at a board meeting spoke in favor of retaining the book while only one opposed it. Reported in: *Round Rock Leader*, November 14, 21; December 8, January 2.

Madison, Wisconsin

A federal jury in Madison awarded \$394,560 December 12 to a former Rib Lake High School guidance counselor after finding that his contract was not renewed in retaliation for speaking out against the district's book policy. Michael Dishnow, now a counselor in another district, was "very pleased" with the result, said his attorney, Daphne Webb.

In 1993 television interviews and in his Medford, Wisconsin, *Star News* newspaper column, Dishnow criticized the decision of Rib Lake High School Principal Paul Peterson to restrict student access to *Forever*, by Judy Blume. At the time, the school librarian, Ruth Dishnow (Michael Dishnow's wife) and others protested (see *Newsletter*, July 1993, p. 104). When copies of two other books also were placed on the school library's restricted list, Dishnow compared it in his column to censorship.

The Rib Lake School Board decided in January, 1994, not to renew his contract for 1994-95. The board said Dishnow was fired for insubordination, but the jury found that his exercise of his First Amendment rights was a substantial factor in the decision.

The ACLU of Wisconsin Foundation supported Dishnow by underwriting most of his legal costs. The group's executive director, Christopher Ahmuty, said of the decision and award that it "should send a message to all public employers, namely, that it is still possible for victims of rights violations to prevail. It is not only wrong, but costly, for governments to ignore constitutional rights." Reported in: *Milwaukee Sentinel*, December 13.

university

Northridge, California

Three adult magazines, including *Playboy*, have been returned to the racks at the California State University, Northridge campus bookstore, campus officials announced December 8. "On a college campus, we have a little different obligation than the corner store would have. The First Amendment comes into play," said Don Queen, head of the entity that runs the retail outlets on campus.

A former store manager discontinued *Playboy*, *Playgirl*, and *Penthouse* last spring, Queen said, citing problems with theft and customers who left them strewn throughout the store. Queen said he was aware of the decision and considered it a routine business matter but changed his mind after censorship concerns were raised in December.

The university drew national attention in late 1984, when feminists on campus convinced the bookstore's governing board to remove sexually explicit magazines. But the ban was unanimously lifted a short time later after a loud backlash from students and faculty complaining about censorship. The issue was reopened in December by university librarian Virginia Elwood and Professor of Sociology Veronica Elias, two leaders of the original anti-censorship movement.

"I think this is really wonderful," said Elwood of Queen's decision. "Nobody wanted to go through a great big hassle all over again." Reported in: *Los Angeles Times*, December 8, 9. □

(from the bench . . . from page 51)

nude dancing

Akron, Ohio

An Akron ordinance banning all public nudity is facially overbroad in breach of the First Amendment, the U.S. Court of Appeals for the Sixth Circuit held November 14. The court said the city failed to present evidence linking the harmful secondary effects associated with adult entertainment, such as prostitution and other crimes, to nudity in "high culture" entertainment, which the ordinance does not exempt.

The city enacted the ordinance after a nightclub began featuring nude dancing. The nightclub challenged the ordinance both on its face and as applied to nude dancing. Applying Judge Souter's concurring opinion in the 1991 case of *Barnes v. Glen Theater*, the district court found that the law cannot be constitutionally applied to nude dancing because city council members were avowedly motivated by morality concerns rather than secondary effects, and that the law is overbroad on its face.

The Sixth Circuit agreed that Souter's opinion, which focused on secondary effects, decided the constitutionality question in the fractured *Barnes* ruling on the "narrowest grounds," and thus is controlling. But it disagreed with the district court's "as applied" ruling. It said Souter's opinion did not require "affirmative evidence of a secondary effects motivation" and found that some Akron council members were actually so motivated.

Nevertheless, the appellate court agreed that the ordinance was facially invalid, because it bars live nude performances "with serious literary, artistic, or political value. The ordinance makes no attempt to regulate only those expressive activities associated with harmful secondary effects and includes no limiting provisions." Reported in: *U.S. Law Week*, November 22. □

(Internet . . . from page 29)

McCullagh said the situation arose after William Arms, vice president for computing services, recommended to the Academic Council that 66 such bulletin boards be banned from the university's subscription list. His recommendations were based on viewing a few of the boards that featured the words "sex" or "erotica" in the titles.

"He told me he looked at five or six of them," McCullagh said. "The university decided to yank the b-boards without looking at them, which is censorship in its worst form."

The ACLU also criticized the move. In a four-page letter to Carnegie Mellon President Robert Mehrabian, Associate Director Barry Steinhardt, Marjorie Heins, Director of the ACLU's Arts Censorship Project, and ACLU Pittsburgh chapter's executive director Witold Walczak called on the university to reconsider.

Steinhardt said the university's action represented a "historical moment" not because Internet material was banned but "because Carnegie Mellon is such a prominent university in the technical arena, and this is getting a lot of attention across the country."

In addition to demonstrating against the ban, students at Carnegie Mellon established an extensive on-line list of offerings, including Internet links to copies of key documents and legal texts on censorship, a history of free expression, and the texts of once-banned books, press reports on the controversy, and references to other groups active in free speech issues.

The students also offered a lengthy and detailed list of methods for skirting the university ban and a link to an Internet site called "Censor-bait," set up by students at MIT. That site can link users to other computers where, for example, one can read about adult movie trivia or peruse a "virtual gallery" of bondage photographs in

Japan and pornographic archives in the Netherlands, France, and Norway.

"It's not a joke, very clearly not a joke," said Seth Finkelstein, a computer consultant to members of the MIT community and a member of the two-year-old group that set up Censor-bait. "It's a question of applying the principles of the First Amendment to computers, and that's what's being argued out in the country."

Indeed, the Carnegie-Mellon controversy was perhaps only the most visible of a growing number of disputes over free speech on the rapidly growing Internet. Among recent incidents:

- Three women at Santa Rosa Junior College received a settlement of \$15,000 each from the college after claiming they were ridiculed and sexually harassed on-line during a campus controversy over a swimwear store newspaper ad. The computer bulletin board where the comments were posted was closed.

- A student at MIT was indicted after distributing \$1 million in copyrighted software through the Net and faced a fine up to \$250,000 plus federal prison time.

- A student at Stephen F. Austin University faced up to five years in prison after pleading guilty to threatening on-line to kill President Clinton, his wife and daughter. A University of Illinois student also faces criminal charges after he threatened the president in an e-mail message.

One problem seems to be, according to Deborah G. Johnson, a professor at Polytechnic Institute and author of *Computer Ethics*, that the anonymity of computer interaction allows people to do and say things in the public on-line forums they would never dream of doing in other public settings. "You don't have people staring at you," Johnson said.

"None of these are new issues, it's just that they didn't used to travel through time and space as easily," added Greg A. Jackson, director of computing at MIT. It's unlikely, for instance, that many college freshmen would blatantly ogle a *Penthouse* centerfold at arm's length in the middle of the library. But, Jackson pointed out, computer pornography being reviewed at the communal, highly visible library work stations has been a big problem at his university.

MIT, however, did not seek to ban the sources of the images. Instead, Jackson said, monitors were instructed to ask students what their parents would think if they saw what they were doing, and the number of incidents declined dramatically. He said that approach reflected MIT's prevailing attitude of "if you tell them it's wrong, they'll stop."

G. Tom Milazzo, director of the Greensboro College-based Datamaster Center for Ethics in Technology, called the MIT approach "optimistic." Most colleges, he contends, have yet to fully understand the impact or the scope of the inappropriate conduct being transmitted over their

computer lines. He said most large universities have standards of ethics and behavior that can be translated into the computer world. "If you don't maintain some measure of discipline, even from an information perspective, you end up with chaos," he said.

But students and others say that incidents of on-line harassment and inappropriate behavior do not justify censorship and denial of access to network resources. Moreover, many argue, given the unmanaged nature of the Internet, no amount of monitoring or censorship will stop people from using the network to exchange material they are interested in, including pornography.

Adam Dershowitz, a graduate student at MIT who flouted his school's obscenity policy in the late 1980s with two campus screenings of *Deep Throat*, said that a university that tried to control computer porn probably didn't understand the medium.

"You plug one leak, and you just start another," he said. "They end up looking silly when they try to stop it. You can't put the genie back in the bottle." Reported in: *Philadelphia Inquirer*, December 13; *University of Nebraska Gateway*, November 18; *Greensburg Tribune-Review*, November 12; *Orange County Register*, November 22; *Intellectual Freedom Action News*, November 1994. □

JOIN
THE
FREEDOM
TO
READ
FOUNDATION



Help Preserve Your Freedom

Subscribe to
*The Newsletter on
Intellectual Freedom*

The most complete source on current censorship controversies and efforts to defend First Amendment rights.

The Newsletter includes summaries of attempts to ban books, magazines, films, and artworks; reports on recent court decisions affecting free expression; book reviews; and an intellectual freedom bibliography which will help you locate books and articles from all points of view on censorship and First Amendment rights.

Stay alert. Stay aware. Subscribe.

Newsletter on Intellectual Freedom
American Library Association
50 East Huron Street
Chicago, IL 60611

Bimonthly 1-800-545-2433,
\$40 per yr. ext. 4223



Help Fight Censorship

Join the
**Freedom to Read
Foundation**

The Freedom to Read Foundation fights censorship. Defends the First Amendment. Provides legal and financial help to libraries and librarians, authors, publishers, booksellers, and artists besieged by efforts to limit free expression.

\$10 Student Member
\$35 Regular Member
\$50 Contributing Member
\$100 Sponsor
\$500 Patron
\$1000 Benefactor

Don't let censorship close the books on you. Join the Freedom to Read Foundation today.

Freedom to Read Foundation
American Library Association
50 East Huron Street
Chicago, IL 60611
1-800-545-2433,
ext. 4223

intellectual freedom bibliography

Compiled by Anne Penway, Assistant Director, Office
for Intellectual Freedom.

- Alton, Chris. "Censorship and Social Responsibility." *Assistant Librarian*, vol. 87, no. 9, October 1994, p. 138.
- Bushweller, Kevin. "Open and Shut." *American School Board Journal*, vol. 182, no. 1, January 1995, p. 27.
- Cone, Jean Kernan. "Appealing Acts: Creating Readers in a High School English Class." *Harvard Educational Review*, vol. 64, no. 4, Winter 1994, p. 450.
- Diegmüller, Karen. "Fighting Back: A Group of Parents Organizes to Counter a Florida School Board Taken over by the Religious Right." *Education Week*, vol. 14, no. 11, November 16, 1994, p. 32.
- Extra!*, vol. 8, no. 1, January/February 1995.
- Flowers, Ronald B. *The Godless Court? Supreme Court Decisions on Church-State Relationships*. Louisville: Westminster John Knox Press, 1994.
- Foerstel, Herb. "Conflict and Compromise over Homosexual Literature." *Emergency Librarian*, vol. 22, no. 2, November 1994, p. 28.
- Hawkins, Helma. "Opening the Closet Door: Public Library Services for Gay, Lesbian and Bisexual Teens." *Colorado Libraries*, vol. 20, no. 1, Spring 1994, p. 28.
- Howard, Graham. "The Internet, Social Justice & Equality." *Assistant Librarian*, vol. 87, no. 9, October 1994, p. 130.
- Jenkinson, Dave. "The Changing Face of Censorship in Manitoba's Public School Libraries." *Emergency Librarian*, vol. 22, no. 2, November/December 1994, p. 15.
- Law of the Student Press*, 2nd edition. Washington, D.C.: Student Press Law Center, 1995.
- Loewen, James. "By the Book." *American School Board Journal*, vol. 182, no. 1, January 1995, p. 24.
- Natall, Jo Anna. "Bone of Contention." *American School Board Journal*, vol. 182, no. 1, January 1995, p. 18.
- Noll, Elizabeth. "The Ripple Effect of Censorship: Silencing the Question." *English Journal*, vol. 83, no. 8, December 1994, p. 39.
- Patai, Daphne and Noretta Koertge. *Professing Feminism: Cautionary Tales from Inside the Strange World of Women's Studies*. New York: Basic Books, 1994.
- Pottorff, Donald P. and Katherine Olthof. "Censorship of Children's Books on the Rise: Schools Need to be Prepared." *Reading Improvement*, vol. 30, no. 2, Summer 1993, p. 66.
- Schwartz, Evan. "Looking for Community on the Internet." *The Responsive Community*, vol. 5, issue 1, Winter 1994/95, p. 4.
- Seim, Roland and Josef Spiegel. "AB 18" *Zensiert diskutiert unterschlagen*. Kulturburo Munster e.v. Munster/Weists 1994 [catalogue of German Censorship].
- Shepard, Alicia C. "Community Journalism." *The Responsive Community*, vol. 5, issue 1, Winter 1994/95, p. 30.
- Strossen, Nadine. *Defending Pornography: Free Speech, Sex, and the Fight for Women's Rights*. New York: Scribner, 1995.
- Swomley, John M. "Neo-Fascism and the Religious Right." *The Humanist*, vol. 55, no. 1, January/February, 1995. p. 3.
- Swomley, John M. *Religious Political Parties*. Silver Springs: Americans for Religious Liberty, Monograph #3, 1994.
- VanCleef, Vona. "Censor-proofing a Collection: Four Bibliographies That May Help." *Texas Library Journal*, vol. 70, no. 1, Spring 1994, p. 37. □

NEWSLETTER ON INTELLECTUAL FREEDOM
50 East Huron Street • Chicago, Illinois 60611