

newsletter
on
intellectual
freedom



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**most
censored
stories of
1994**

Consider these headlines: "More Than Ten Years Later, 170,000 Americans Still Not Informed of Exposure to Cancer-Causing Chemicals," "Defense Department Pays Giant Corporations to Merge," "Waste Incineration Poisoning Food Chain," "120 Billion Fish Dinners Wasted Annually." Recognize the stories? Probably not, because they were never written. But they're quite real. They describe several of Project Censored's top ten "censored" stories of 1994.

Now in its nineteenth year, Project Censored, founded by Sonoma State University communications professor Carl Jensen, culls hundreds of stories from journalists, librarians, academics, and others. For the 1994 list, student researchers at Sonoma State analyzed over seven hundred stories, examining the amount of coverage each received as well as the quality of the coverage. The top twenty-five were then passed on to an expert panel of judges for the final grading.

The 1994 list is dominated by domestic issues, with a strong emphasis on public health and the environment. "I think this list basically reflects the state of America," said the Project's assistant director, Mark Lowenthal. "It documents a lot of the serious problems we're facing: worker safety; environmental and public health concerns; the rise of the right; and corporate welfare."

"This year's list manifests how the corporate sector has growing influence over public policy," Lowenthal added. "But the most disturbing aspect is the fact that this very same corporate sector now owns a vast majority of the nation's news media. Naturally, when you have corporate-owned news media, a multitude of conflicts arise. Sometimes these are handled in an honest and ethical manner, sometimes they're not. I think we're exposing a lot of when they're not. The usual culprit is self-censorship, with avoidance or limited reporting of certain issues."

This year's list, and more, are included in *CENSORED: The News That Didn't Make the News and Why*, published by Four Walls Eight Windows Press. Copies of the 1995 Censored Yearbook are also available by calling 1-800-626-4848. For a free pamphlet listing the top 25 stories, send a self-addressed stamped envelope to Project Censored, Sonoma State University, Rohnert Park, CA 94928. The following summary of the top ten stories was downloaded from the Internet's World Wide Web at <http://www.sonoma.edu>.

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Gwinnett County's 'library contract'

The Gwinnett-Forsyth Regional Library System in suburban Atlanta is the center of a tug of war between groups who want greater control over their libraries and those who like the system as it now exists. On one side are backers of library board member Scott Scoggins, appointed in January by Gwinnett Commissioner Kevin Kenerly. Scoggins is pushing his "1995 Library Contract with Gwinnett," which seeks to label "explicit" materials, place them in a separate book section and give the community more control over stocking the shelves (see *Newsletter*, May 1995, p. 80). Opposing Scoggins and his supporters are freedom of thought advocates who want to maintain current library practices — all books are placed in general circulation and book selection is left to professional librarians.

The struggle is reminiscent of the 1986 battle of Gwinnett County public schools over the Judy Blume novel *Deenie*, which ended with the book being moved to a special area in elementary school libraries. Several groups that fought in that battle have reorganized and plan to continue their efforts through June, when the issue is again to be discussed by the library board.

Two coalitions from the *Deenie* days have revived to fight Scoggins' effort — the Free Speech Movement and Gwinnett Advocates for the Advancement of Public Education (GAAPE). They intend to make sure county officials know there are plenty of people who don't like Scoggins' proposed contract.

"In America, we can choose," said Gwinnett resident Pam Davis, a veteran of Gwinnett's censorship battles who thinks all books should be placed on open shelves. "Nobody has a right to take away that right."

Supporting Scoggins' plan is a loosely formed network of churchgoers and the Family Concerns Council, affiliated with Hebron Baptist Church in Dacula. The Rev. Larry Wynn, Hebron's pastor and immediate past president of the Georgia Baptist Convention, helped revive a church group known as the Moral Concerns Council. "The contract will merely put the questionable books back in the hand of the board, where they should be, instead of the director and materials management people," said Buford resident Joyce Marusich, a backer of Scoggins' effort.

Many members of the Family Concerns Council were involved in a recent furor over outcome-based education, said the Rev. Billy Britt, an associate pastor at Hebron Baptist. Many were at the library board meeting April 10, although they did not identify themselves as being from the church.

Jack Gibbs, executive director of the Georgia Christian Coalition, said he is aware of the movement to ban books in Gwinnett and that some members may be involved. He said the coalition is not directly involved, but

suggested "it's up to local chapters."

Frank DiGioia, president of the Gwinnett chapter, said the Gwinnett group does not support censorship efforts. "We are certainly not associated with book banning," he said. "There are some legitimate efforts using the library board to remove objectionable materials so minors cannot get them without parental consent. But we disagree philosophically with banning."

George Wilson, who led a movement nearly ten years ago to stop book banning in Gwinnett's public schools, said so many members of his Free Speech Movement reemerged at the April meeting that it felt like a reunion. "There's a real extensive network of people who feel strongly about this," he said. "They haven't spoken in ten years."

Wilson created the group in 1986 after officials pulled *Deenie* from elementary school shelves. Members are gearing up again to make sure library officials aren't forced to comply with policies that members think constitute censorship.

"It looks like we're really going to have a battle on our hands again, and I really regret it," Wilson said. "This is a divisive issue."

Davis described the hoopla as a painful flashback. "This is worse because it is in the public library," she said. "I thought it was a dead issue. I spent two years of my life working against censorship. It's the same old thing. If you don't want your child to read a book, fine. Tell your child not to get the book. Everybody censors their kids."

Just as the community is divided, Scoggins' position divides him from the rest of the board. Board member Debbie Tuschall, who squared off with Scoggins over school issues long before either was appointed to oversee library matters, belongs to GAAPE — the group that strongly opposes Scoggins' plan. The debate between the two sides was so vigorous at the library board meeting that Tuschall suggested the Georgia Human Relations Commission be asked to step in and mediate to soothe hurt feelings.

Scoggins was the only board member who voted against the mediation proposal. Tuschall took that as a bad omen for conciliation.

"My biggest concern is one or two people have pushed this issue," said Val Markos, one of GAAPE's founders. "They may have a following, but through some alarming claims that I am not sure are accurate, we've now got people up in arms against the library."

Scoggins, 32-years-old and a self-described "neo-conservative," ran unsuccessfully in 1994 for the Gwinnett Board of Education. He ran third out of four candidates in the Republican primary election seeking to represent the Snellville area. An accounting manager with Turner Sports, parent company of the Atlanta Braves, Scoggins attends Lilburn Christian Church and is the

father of two children, ages 5 and 3. He said he plans to send the children to private Christian schools.

Scoggins said his "contract" would place "adults only" materials in a separate section, set up a parental review committee to help with book purchases and strip library staffers of some of their authority about book purchases.

"I am saying," he said, "why don't we take these potentially controversial books and restrict them up front and allow parents who want to let their kids have access to them remove the restriction."

At the April 10 board meeting, his jousting with other board members spurred applause from followers and raucous laughter from opponents when he protested that he was proposing dialogue on the issues, not censorship.

Tension heightened when he read sexually explicit lines from a couple of books he said are unsuitable for young readers. After the meeting, Scoggins said he didn't think the board had a materials management policy. Although he professed surprise at the furor his "contract" aroused, he said he didn't think it was worth the attention.

"For some reason, some people just seem to flock to what I say," he said. Reported in: *Atlanta Journal and Constitution*, April 16. □

Loudoun considers expanded board

Reacting to controversy over recent actions by the county's library board, Loudoun County (Virginia) supervisors agreed to study whether the panel should be enlarged to dilute the influence of its present majority. The unusual move came after two library board votes to first amend and then abandon the ALA *Library Bill of Rights* and the board's decision to take the second vote without first hearing public comment (see *Newsletter*, May 1995, p. 61).

Those actions drew bitter complaints from residents at two Board of Supervisors meetings. Several critics called on the supervisors, who appoint the library panel, to replace some board members.

Board of Supervisors Chair George L. Barton (R-At Large) said the library trustees by law cannot be fired except for a criminal offense. But he and the other supervisors agreed in mid-April to consider a suggestion that the nine-member body be expanded. Several supervisors also rebuked the library board, both for rewriting the anti-censorship policy and for postponing public comment.

"I'm not sure what has been accomplished by the changes and revisions that have taken place," said Supervisor H. Roger Zurn Jr. (R-Sterling). "I don't understand it. It just seems bogus."

"I'm greatly concerned," said Supervisor Richard L. Roberts (R-Cactotin). "It's their job, and it's our job, to listen to the public." Reported in: *Washington Post*, April 13. □

Apple compromises on CD-ROM

Apple Computer, Inc. has resolved an embarrassing public dispute with a small software company that raised issues of censorship (see *Newsletter*, May 1995, p. 74). On April 13, Apple said it had agreed to keep the CD-ROM history text *Who Built America?* from Voyager Co. of New York in a bundle of software distributed to high schools and junior high schools, but would drop the title from bundles sold to elementary schools.

Voyager had issued a stinging statement in February accusing Apple of censorship because Apple had asked Voyager to remove some material that discussed abortion and homosexuality from the program. At the time, Voyager offered several alternatives, including distributing the CD-ROM to older students only. Reported in: *San Jose Mercury News*, April 14. □

Arkansas school journalists gain protection

A 1994 controversy over censorship at Little Rock Central High School led to legislation designed to provide limited protection to Arkansas high school journalists and their advisors. Act 1109 of 1995 made Arkansas just the sixth state in the nation — and the only state in the south — to mandate press freedom in high schools.

Arkansas joined California, Colorado, Iowa, Kansas, and Massachusetts as states that have some form of guaranteed press freedom for high school students. Arkansas is the only one of the six, however, whose legislation allows each school district to develop its own written policies. Under the new law, each school board must have rules and regulations in place by January, 1996. District policies must "recognize that truth, fairness, accuracy and responsibility are essential to the practice of journalism."

The law spells out the types of publications students are not authorized to distribute. They include publications that are obscene, libelous, constitute unwarranted invasion of privacy, or incite students "to create a clear and present danger of the commission of unlawful acts." Reported in: *Arkansas Democrat-Gazette*, April 23. □

same theme of changing perspectives, except that it featured human female body parts, including genitalia.

"It just wasn't appropriate for children," said library official Arthur Dunphy. "The library isn't the place for it," agreed Ernst Jost, honorary Swiss consul to Boston, sponsor of the show.

Library administrators and the counsel said they were shocked while erecting the exhibit to find one panel containing a progression of 3" by 4" photographs of female body parts. The library presented Jost with two options: remove the controversial panel or move the whole exhibit to a less visited wing of the library.

"We didn't want to be involved in censorship, but we are in the position of deciding what's appropriate for young eyes," explained Dunphy.

Sabine Hofkunst, wife of the artist, said from Switzerland that he was upset that his exhibit had been censored and wanted it returned if it couldn't be viewed as a whole. "He would like to stop the exhibit," she said. "He doesn't make compromises." Jost and Dunphy said they had no intention of removing the rest of the exhibit, however. Reported in: *Boston Globe*, May 10.

Grosse Pointe, Michigan

After parents' complaints, the Grosse Pointe School District removed from library shelves the popular young adult novel *The Chocolate War*, by Robert Cormier. The book, which has been available only to middle school students, depicts severe peer pressure, contains some sexual references and ends in a ritualistic fight in which each punch is determined by raffle.

Kathleen Roberts, director of public relations for the district, said Dr. Marjorie Parsons, Assistant Superintendent for Curriculum and Evaluation, removed the book after a parent complained. "I haven't seen the book, but it deals with gangs, peer pressure and learning to make your own decisions," Roberts said. Reported in: *Detroit News*, April 7.

Kansas City, Missouri

A Kansas City minister, who has failed twice in efforts to remove a book about gay sex from the Kansas City Public Library, has adopted a new strategy. Instead of asking the library board to remove *The New Joy of Gay Sex* on moral grounds, the Rev. John Birmingham has asked the Jackson County prosecutor's office to ban it for legal reasons.

In December, 1994, a library committee said the book should remain on the shelves and the board accepted the recommendation. Birmingham appealed and, in March, the board decided not to change its mind. Just before the March 21 board meeting, however, Birmingham and a handful of protesters asked the police department and the county prosecutor to force the library to remove the book under obscenity and sodomy laws.

Birmingham burned a copy of the book in front of the library last year and said he had paid a bill the library sent him for it. The library replaced the book in March. Reported in: *Kansas City Star*, April 6.

Plain City, Ohio

Students in the Jonathan Alder School District can ask their parents about the effects of drug use, but they won't be able to read *Go Ask Alice*. The anonymously written autobiography of a teenage drug abuser was pulled from middle school library shelves March 13 on the recommendation of a review committee. A second book, *Eric*, was assigned a warning label cautioning about language and content.

The books were challenged by parent Denise Scott. She also asked the board to consider placing restrictions on movies and videos bearing the PG rating. Reported in: *Plain City Advocate*, March 14.

Putnam City, Oklahoma

A Putnam City School District parent succeeded in early May in having a book pulled from the library at her daughter's middle school. "Obviously, our standards are a bit higher here . . .," said Mary Jackson after the district review committee agreed to take *Out of Control*, by Norma Fox Mazer, out of the Cooper Middle School library because of its language.

Jackson's twelve-year-old daughter complained to her mother about the book. Jackson requested that it be removed from the school library and from the Warr Acres branch of the Oklahoma City Metropolitan Library System where her daughter originally obtained it.

Gene Parsons, Putnam City director of curriculum, said the review committee found the language in the book "inappropriate for that age level." He said district officials would decide whether to remove the book from other schools. But the Metropolitan Library System said it would not pull the book. Reported in: *Daily Oklahoman*, May 10.

Charleston, South Carolina

A parent in April asked the Charleston County School Board to ban a library book dealing with divorce, violence, AIDS and homosexuality. "I just don't think this is the kind of book we need in an educational setting," said Barbara Caputo, whose child attends Middleton High School. "We have gone so far with this extreme of 'freedom to read.'"

The book, *Athletic Shorts*, is a collection of six short stories by Chris Crutcher dealing with adolescent males in trying situations. One story involves a teen whose parents have died. In another, a boy's divorced parents have same-sex partners, while in a third, a teen befriends a gay man with AIDS. Reported in: *Augusta Chronicle*, April 13.

Richardson, Texas

An artist's rendition of a dark-skinned Eve has been dropped from a local art exhibit hosted by the public library because the Biblical figure is nude. "That's the way we know her — without clothes," said artist Shirley Hosmer, who thought the painting might raise eyebrows because Eve is brown-skinned. The artist withdrew two other exhibit entries in protest.

The oil painting, depicting a nude Eve sitting near an unbidden apple, was rejected in mid-March by Richardson Public Library officials, who have played host for a quarter century to the Richardson Civic Art Society's exhibit for artists fifty years and older.

"It's frontal nudity that makes it inappropriate to hang in a public library. A nude back would have been fine," said Library Director Julieanne Lovelace. "We cannot be put in the position of having to defend ourselves if someone is offended by it."

"I consider this outright oppression," Hosmer said. "If they had said they didn't want anything of a religious nature, maybe I wouldn't have questioned that, but not the nudity." Reported in: *Philadelphia Tribune*, March 21.

Southlake, Texas

A decision by the Carroll School Board to ban an award-winning novel from the middle and elementary school libraries because it contains profanity deemed "inappropriate" for that age group prompted a swell of protest from district residents. A petition with more than three hundred signatures in support of putting *The Last Mission*, by Harry Mazer, back in the school libraries was presented to the board by over a hundred parents at a special meeting March 9.

After more than an hour of emotional speeches, the trustees voted 5-1 to review the district's policy governing which books go in school libraries. "We are asking the board, administration and staff to look at this policy and come up with something acceptable, reasonable and fair to everyone," said board President Mike Brown. "I am asking you to give us the opportunity and some time to do this." On February 27, the board voted 4-3 to overrule a staff recommendation and ban the autobiographical World War II novel because of its profanity (see *Newsletter*, May 1995, p. 67).

Most of those attending the March 9 meeting expressed concern that the board had yielded to a minority in the community against the judgment of school professionals. "We chose Southlake because of the schools," said parent Sarah Perkins. "What I found was my neighbors and I are not of one mind about what television shows we allow our children to watch or what books they should read — but every single one who signed my petition felt they should have a choice and not have that choice taken away from them."

"War is not heck — it is hell," said Chris Heckman. "And I for one want my son to know about it."

While ban critics didn't express opposition to the board's decision to review the current policy, several expressed confusion after the meeting. "I'm hopeful by what the board did tonight, but I'm still not sure what it means," said Mary Lanier. "I hope they saw from everything tonight that we are willing to fight for our children's right to read and our rights to parent." Reported in: *Dallas Morning News*, March 10; *Fort Worth Star-Telegram*, March 10; *Grapevine Sun*, March 12.

schools

Mobile, Alabama

Mobile Area Chamber of Commerce officials decided in April not to distribute coloring books, labeled racially offensive by some, to third graders in the public school system. The decision followed concerns raised the week before by black school board members that the books misrepresented local history, ignoring issues of interest to blacks and portraying blacks in offensive ways.

The book was produced by the chamber as a way to teach children more about local tourist sites and points of historical interest. Some copies were distributed in fifteen Mobile County schools, but most of those were retrieved. The school board had previously halted the distribution of the books.

"We didn't mean to cause a problem with the books and we just felt for everyone involved it would be better to just pull them," said Angie Chandler, the chamber's communications director.

Black school board members said they were concerned the book did not offer black children references to accomplishments of significant black leaders, or images of black history that they could relate to in a positive way. One of the few accomplishments of black Mobilians noted in the book is a drawing of a young boy from Africatown proudly displaying a recipe for Sweet Potato Pone. Reported in: *Mobile Press*, April 13, 14; *Mobile Register*, April 22.

Cottonwood, Arizona

The Mingus Union High School board tabled discussion April 13 on whether a student could display an award-winning piece of art that contained bare female breasts. Kyla Hoffbauer, the first-place visual artist at the Prescott Fine Arts Show, asked to address the board regarding censorship of her work, a drawing of a nude woman holding a sphere above her head. From the waist down her body becomes rocks. Her arms turn into tree branches.

Art teacher Did Lash hung the work in the library window, along with other pieces by Mingus art students. Two teachers complained about the naked breasts. Lash concealed them, but Huffbauer was not pleased and asked that the piece be shown properly or removed. "It made me feel like there was something wrong with it," she said. "I told him I didn't like it and I'd rather have it taken down."

Steve Dockray was the first of two teachers to complain about the work. "I think it's obscene," he said. "I think it was inappropriate. Most high school students don't have the maturity to handle this type of thing. We have a dress code that says a girl's belly-button can't show and shorts must be so long for boys. But she can draw nude breasts and that's OK?"

But Huffbauer said many more teachers and students liked the picture than opposed it. "I've had five times that many come up to me and say how much they like it," she said. Reported in: *Verde Independent*, April 19, 28.

San Jose, California

Responding to concerns by a group of parents over a story's portrayal of a black man, the Oak Grove School District superintendent decided April 10 that the book should be removed from the district's core reading list for seventh-graders. Superintendent Tim Cuneo instead placed the book on an "extended" list for use in the eighth grade. That means eighth-grade teachers may elect to use the book for their whole class, for smaller groups, or not at all.

The decision was the result of a controversy that began last fall (see *Newsletter*, March 1995, p. 46), when Dawn Watson, a seventh grader at Bernal Intermediate school, found language in *The Cay*, by Theodore Taylor, offensive. The book is the story of a white boy stranded on a remote island with an elderly black man, who the boy first describes as "ugly" with "pink-purple lips" and a face that "couldn't be blacker." The book tells of how the boy is forced to confront his prejudices.

The Watsons and other parents found the language objectionable enough to involve the African-American Parent Coalition (AAPC), which asked the district to reevaluate the book. Chester Stevens, vice president of the group, said the AAPC would appeal the decision. He called Cuneo's move "a very clever compromise which doesn't really satisfy our concerns at all."

At least one parent also expressed disappointment. "I would rather for them to move it out of the school, period," said Sheryl Watson. "The book is just too negative. I would think putting it in at the high school level would be fine, where the kids are better able to understand it. I don't think it should be in the junior highs at all."

When the controversy arose, the district formed a nine-member committee to review the book. The committee met four times, but was unable to reach a consensus. The matter was then referred to four district officials who made recommendations to Cuneo.

Initially, the AAPC also formed a committee of black teenagers to review the book. Although the AAPC eventually pursued the challenge, the teen committee recommended that the district keep the book. "There was a purpose behind it," said committee member Rhonda Lewis, a black student at Oak Grove High School. "Our recommendation was that the teacher explain why the author used that type of language. It was to get across the point of how ignorant people are when they base an opinion of people on prejudice."

Cuneo also decided that the district should convene a committee to review and update literature lists. And he asked that another book be selected with an "authentic portrayal of an African-American" for the seventh grade core list. *The Cay* should remain available in all district school libraries, he added. Reported in: *San Jose Mercury News*, April 11, 22.

New Haven, Connecticut

Mark Twain's classic novel, *The Adventures of Huckleberry Finn*, was removed from the eighth grade curriculum at a New Haven middle school in March because parents complained it undermined the self-esteem of black youth. New Haven School Superintendent Reginald Mayo pulled the book after hearing from a group of parents who have children at the racially diverse West Hills Middle School. He was scheduled to discuss the book with a far larger group of parents March 16, but cut the meeting short by simply announcing it would no longer be used. The book was removed from the curriculum only at West Hills Middle School, one of forty schools in the city. It will remain in the school library.

"Until you live in black skin, you don't know how this feels," said Marcella Flake, whose son Doron first protested the book in class. "I wouldn't bring anything into my classroom that would make any of my kids hang their heads in shame." Flake teaches at another middle school in the city.

"It's censorship," complained parent Jerry Dunklee. "What happened at the school, the problems, the concerns . . . it could have been a remarkable opportunity for students to learn."

"I won't let this school be torn apart. This is not censorship. It's a curriculum issue," Mayo said. "It has gone out of control and it's become a very divisive thing. It's not about this book anymore; it's about other issues."

"The thing was kind of kicked off by a white student in a class who snickered a little bit with the use of the

word nigger in the book," said school board member Robert McClenahan. "And a black child went home to parents who reacted very strongly to the use of that word."

Richard Dozier, one of the parents who met with Mayo, said the book came up at a private gathering of parents who were discussing their children's progress at school. One parent reported that children who accompanied her son at a school awards banquet were mimicking dialect attributed in the book to the character Jim, a runaway slave.

"And we began looking at the book and looking at the effect that the language in the book was having on our African-American children," Dozier said.

John Boyer, a Twain scholar and executive director of the Mark Twain House in Hartford, lamented the school superintendent's decision. "They are losing the opportunity in the classroom to have Huckleberry Finn at their disposal as the great anti-racist tract of the nineteenth century, at least the greatest written by a white person," he said.

"They also lose one of the most powerful and memorable black male characters in all of American literature, and that's Jim. People forget that Jim in the end is the most noble, the most consistent, the most sympathetic figure in the entire book."

Dozier acknowledged that the novel had value as a means of illustrating how prejudice is irrational. But he said discussions that parents had with their children raised doubts about whether eighth-graders had the intellectual maturity to comprehend the subtlety of Twain's message.

"I think in terms of the behavior of some of the children," Dozier said. "For example, black children at this age are developing their character. Their self-esteem, particularly with our young African-American males, is very fragile at that point in life." Reported in: *Hartford Courant*, March 18; *New Haven Register*, March 17.

Medway, Maine

On March 16, a group of angry parents asked the Medway School Board to stop fifth grade students from reading two books in class. The parents charged that *The Castle in the Attic*, by Elizabeth Winthrop, and *Bridge to Terabithia*, by Catherine Patterson, use swear words and deal with sorcery. Reported in: *Katahdin Times*, March 21.

ERkton, Maryland

Under a compromise announced March 13, the Cecil County Board of Education agreed to sweeping revisions of its textbook selection policy and not to introduce two disputed textbooks into additional county high schools. The plan ended a four-month-old textbook controversy.

The board had voted 3-1 in December to approve two English composition textbooks for use in high school classes. The books had been part of a pilot program at Perryville High School. But opposition arose over what was described as the "liberal" slant of the books, especially in their treatment of abortion, gay marriage, alcohol and drugs. The board had initially refused to reconsider its decision and president Johnny G. Lough, Jr. resigned in support of those who opposed the books. But when the Board of County Commissioners announced that the school system should expect a five percent budget cut, school officials sought to end the controversy to focus on fiscal issues.

Under the compromise, the board will revise its selection policy to require parental involvement at almost every step. The board also will place proposed textbooks at its office and the Cecil County Library for public review. The two disputed textbooks, *Short Takes* and *The Short Prose Reader*, will be used only at Perryville until additional materials are chosen to offer another point of view.

"We hope what we've done here will show the members of the community that we are concerned and care about their input," said board vice president Roxanne Barger. "But I don't want to see us get to the place where every decision we make as a board or as professionals has to be double- or triple-scrutinized."

Jim Rogers, founder of Mission America, a conservative group that led opposition to the textbooks, wasn't as conciliatory. "I hope we are on the road to recovery," he said. "But we haven't done anything about school prayer." Reported in: *Wilmington News-Journal*, March 14.

Cincinnati, Ohio

A group of conservative Catholics in March asked parishioners at St. Cecilia Church to withhold their donations until the church's school drops its sex education program. The program came under fire when the group, Shepherds Watch, sent a letter criticizing the class to the 1,200 families in the parish. The letter claimed the textbook used in the middle-school class goes against Catholic teaching because it discusses subjects such as masturbation and contraception without mentioning "any duty or obligation to God."

But church officials defended the textbook, *Fully Alive*, as a valuable teaching tool that includes religious instruction with all its lessons. They also pointed out that the weekly class is optional and parents who objected to its content could withdraw their children from it.

Although *Fully Alive* is not currently used at other schools, the Archdiocese of Cincinnati has placed it on its "preferred list" of classroom books. Reported in: *Cincinnati Post*, March 25.

Pawhuska, Oklahoma

Phyllis Gamble, parent of a seventh grader, complained to the Pawhuska school board about *A Day No Pigs Would Die*, by Robert Newton Peck, March 9. She said the book uses bad language, gives "gory" details of mating, and lacks religious values. It is discussed in several middle school classes. Although one board member said immediately that his child "would not read the book" and that his vote would be to "get rid of it," the board agreed to suspend use of the book until the board's policy on reconsideration could be clarified. Reported in: *Pawhuska Journal-Capital*, March 15.

Junction City, Oregon

Several parents asked in April that *The Color Purple*, by Alice Walker, be removed from the reading list of a high school English class because they found the Pulitzer Prize-winning novel "crude." School superintendent Don Anderson appointed a committee of six to review the book.

"There are crude words used, and graphic words describing sexual activity," Karen North said. "I was very upset thinking my son had the book." North and her husband, Church of the Nazarene minister Chuck North, were leading the fight against the book. North said she did not read *The Color Purple* but her husband did.

"I didn't want to read the stuff he found in the book," she said. "He didn't want to read it to me, so he described on a more discreet level the dialogue between two women engaged in lesbian activities." Reported in: *Vancouver Columbian*, April 4.

Chambersburg, Pennsylvania

Parents filled the library at James Buchanan High School March 13, concerned about a new film course that they charge will include movies with violence, nudity and foul language. As a result, the school board voted to eliminate all films rated R or PG-13 from the course after William Landis, a parent, presented a 500-signature petition asking the board to develop stricter guidelines.

Teacher Robert Marion's list of movies for the class on "Communication Through Film" was previously approved at the January school board meeting. The movies include *Lorenzo's Oil*, *When Harry Met Sally*, and *Dances With Wolves*, all of which will now have to be replaced.

"*Dances With Wolves* is a good film, but there's a teepee scene," said board member James Zeger. He said the love scene would be inappropriate because the district is trying to teach moral values.

Marion, who said he would not show scenes that would compromise students' morals, said he might use excerpts. But, said Landis, "I understand that only portions could be shown, but mistakes do happen. What educational

opportunity will we miss if we eliminate R-rated movies?" Reported in: *Public Opinion*, March 14.

Morrisville, Pennsylvania

At a sparsely attended meeting with little debate, the Morrisville school board on April 26 reaffirmed its controversial stance on a controversial novel. The board voted 7-1 to prohibit use of Nobel Prize-winner Toni Morrison's *The Bluest Eye* in the high school English curriculum, upholding a temporary ban imposed last November.

The book was intended to be taught in Lynette Yetto's Modern American Literature elective class. But in November, just as the class was beginning the novel, the board voted unanimously to pull it. Months passed. The course ended and *The Bluest Eye* was not taught. In a December letter, the district's English department reaffirmed its support of the book and in January, the book was returned to the school library (see *Newsletter*, March 1995, p. 44; May 1995, p. 71).

"Students lack the emotional maturity to place the explicit sexuality and excessively vulgar language contained in the book in proper context," read the motion passed by the board in April.

Although the issue last fall drew crowds of angry students, teachers and parents, only one student was in the audience for the final board vote. Eleventh grader John DeMario turned red with frustration as he heard the board tell him he lacked the maturity to read the book. "What the hell do they know? They aren't living our lives, they aren't in the classroom with us," said DeMario, who bought the book himself and read it.

Paul Nestor was the sole board member to vote against the ban. He had supported the prohibition in November, but later changed his mind after reading the book and discussing it with his children.

"I'm disappointed, because I think it's a good work of literature," said Yetto. "I'm glad they haven't banned the book entirely, but I'd like to see it in the curriculum. If it was in the curriculum, there would be an opportunity to analyze and discuss one's views about the bad people who do bad things in this book and are not rewarded. Hopefully, the kids who check it out will take away the messages Morrison intended." Reported in: *Philadelphia Inquirer*, April 27; *Doylestown Intelligencer-Record*, April 27; *Central Penn Business Journal*, April 26.

Palmyra, Pennsylvania

A Palmyra couple thinks a book chronicling the life of a teenage runaway in New York City, replete with profanity, lesbian and heterosexual sex, is inappropriate for their thirteen-year-old daughter and want it removed from her classroom. Bobby and Alicia Stiltner said they first became aware of *Run, Shelley, Run*, by Gertrude Samuels, in early March when their daughter showed it

to her younger sister.

"My daughter started talking about this lesbian act that was going on in the shower and I said, 'Whoa! What are you reading?'" said Bobby Stiltner. It turned out that the book was in Melissa Stiltner's seventh-grade classroom library, among others available for students to read on their own during breaks or to take home. "It's not like it was in the library where there are thousands of books," Stiltner added. "That's my whole gripe."

On March 16, Alicia Stiltner brought her concerns to the school board's curriculum committee, which appointed a librarian, two teachers, two board members, and two parents, including Stiltner, to a committee to review the book. "I don't understand why our school funds are going to promote this kind of reading," Stiltner said. "In my mind, this should be an X-rated adult book. It would be different if it was the school library, but this is a school classroom." Reported in: *Lebanon Daily News*, March 17; *Harrisburg Patriot*, March 17.

Shenandoah, Pennsylvania

Appalled by violence, strong language and unflattering references to God, some parents have asked that a book be removed from the Shenandoah Valley Junior-Senior High School curriculum. *Killing Mr. Griffin*, by Lois Duncan, is a teenage mystery about students who kidnap a teacher, tie him up, and leave him in the wilderness overnight. The next day, they find him dead.

"In this day and age, kids are so disrespectful; it doesn't need to be enhanced," said Ann Marie Nitolo, whose son Zachary was assigned the book last month in a seventh-grade English class. On top of the violent subject matter and the curse words, Nitolo said she opposed the book's mention of a "sweet aroma" of marijuana.

Nitolo complained about the book at the March 22 school board meeting, but board members declined to publicly discuss the issues. Meanwhile, another mother whose name the district would not release filed a complaint against the book. "Maybe it would be fun for some older children to read at home," she said, "but it's not classroom material." The complaint was given to a review committee of an administrator, a teacher, a librarian, a student, and a parent. Reported in: *Pottsville Republican*, April 4; *Shenandoah Evening Herald*, March 23.

West Chester, Pennsylvania

A committee was convened in April to review two novels that parents in the West Chester School District complained contain sexually charged and foul language. A nine-member committee was set to evaluate classroom use of *The Bluest Eye*, by Nobel Prize-winner Toni Morrison, and *In Country*, by Bobbie Ann Mason. In February, a similar committee made up of faculty, administrators, parents and students recommended that

Lucy, by Jamaica Kincaid, be taken off the required reading list for high school seniors (see *Newsletter*, March 1995, p. 45; May 1995, p. 71).

The Bluest Eye is used by seminar English students at Henderson High School. It was the subject of considerable controversy and was removed from a literature class in Morrisville, Pennsylvania (see page 98). *In Country* was approved last September as an optional book selection for high school students.

"I don't believe tax dollars should be used to fund books that contain sexually graphic passages," said Janice Middleton, one of the complaining parents. "They have no place in the classroom. I would like to see *The Bluest Eye* and *Lucy* taken out of the classroom totally. They can remain in the library, but I wouldn't want to see any extra copies being bought. Why should our money be used for books we wouldn't want in our homes or our children to read?" Reported in: *Philadelphia Inquirer*, April 20.

Goose Creek, Texas

Responding to concerns voiced by some parents, community members, and teachers, Goose Creek school trustees voted 6-1 April 24 not to adopt a new health textbook from the state approved list, opting instead to continue using old materials, and directing administrators to independently seek out different teaching materials.

Trustee Jim Jeffrey made the motion to reject the district Health Textbook Committee's recommendation and seek a waiver from the Texas Education Agency allowing the district to forego purchasing new texts.

"The presupposition of this book is that children are going to have sex and we might as well prepare them, although abstinence, which is the only one hundred percent effective method of avoiding sexually transmitted diseases is rarely discussed," said trustee Gabbie Worley. Worley and others objected to what they considered attempts by the book publisher to undermine the family's importance and parental authority, promote sexual relationships, and promote homosexuality "as a life style rather than a perversion."

"I think what we're seeing is a failure of the process at the state level," commented Superintendent Jerry Roy. "There's a breakdown between what the voters and the public want, and what the book publishers are instructed." Reported in: *Baytown Sun*, April 25.

Houston, Texas

A controversial health textbook and a psychology book recommended for use during the 1995-96 school year were rejected as offensive by a 4-2 vote of the Clear Creek School Board April 19. The two high school books were rejected despite Superintendent Ron McLeod's recommendation that the board adopt the books and, in addition, adopt an abstinence policy concerning sex to sup-

plement the health book.

Board Vice President Roger Davis said he had a particular concern with the health book recommended by the textbook committee from a state-approved list. Calling the book "highly controversial and offensive," he said it addressed subjects inappropriate for high school students.

"I don't think abortion is an appropriate subject to be dealt with on the high school level. I don't think an alternative sexual lifestyle is an appropriate subject for high school students," Davis said. Reported in: *Houston Citizen*, April 21.

Hedgesville, West Virginia

A new series of textbooks with multicultural themes is headed into Berkeley County elementary classrooms in September, but some parents of Tomahawk Elementary School students think the material may be inappropriate. About fifty parents attended a meeting to discuss the books April 25.

Critics of the series included Mark and Carol Crawford. "I've seen nothing I like," Mark Crawford said. "I like the series we have now. I'll stand against this one."

"They're trying to rewrite history," echoed parent Paul Morin. "The general theme they're trying to introduce is multicultural." Morin's wife, Rebecca, said she objected to a story titled "If Only Daddy Was Here." She said she wanted to be the first to teach her children about single parents, not the schools.

Not all parents at the meeting opposed the books, however. "I have no problem with teaching multiculturalism," said Debbie McCleary. "It's time children learn about other cultures." Reported in: *Hagerstown Herald*, April 26.

Keyser, West Virginia

A county school board voted unanimously to prevent students from viewing the 1994 Academy Award Best Picture winner, *Schindler's List*, despite Governor Gaston Caperton's endorsement of the film about the Holocaust. The Mineral County school board cited concerns with the movie's R rating in denying the request by a group of Elk Garden teachers and Principal Charles Wimer.

Board President Allen Shapiro said March 21 the county already had a policy permitting only G-rated movies in schools. Making an exception would have forced the board to review other PG- or R-rated movies on a case-by-case basis, he said. Reported in: *Palm Springs Desert Sun*, March 22.

Antigo, Wisconsin

For the first time in over fifteen years, the Antigo school board agreed in April to a parental request to limit

access to a book. On a unanimous vote, the board approved a request from Dale and Denise Schroeder to limit use of *Wayside School is Falling Down*, by Louis Sachar, in elementary classes. The decision went against a recommendation made by the board's reconsideration committee.

The book will remain on library shelves but will not be read aloud to younger students. It also will be removed from the list of suggested readings for the elementary "Battle of the Books" reading program.

The Schroeders said the highly acclaimed book included passages condoning destruction of school property, disgraceful manners, disrespectful representation of professionals, improper English, and promotion of peer pressure. Reported in: *Antigo Daily Journal*, April 19.

Lincoln County, Wyoming

Reacting to the discovery of "considerable obscenities" in two commonly read books, a Wyoming school board removed Aleksandr Solzhenitsyn's *One Day in the Life of Ivan Denisovich* and Hal Borland's *When Legends Die* from its high school curriculum. The action followed a parent's complaint, which pointed out 57 "swear words" in 40 consecutive pages of *When Legends Die*. J. Allen Lowe, superintendent of Lincoln County School District #2, said that the books would remain on library shelves and that anyone who disagreed with the board decision could protest it. Reported in: *Education Week*, March 22.

student press

Birmingham, Alabama

The sponsor of Hoover High School's student newspaper said Principal Connie Williams had interfered with the paper in ways that students considered censorship. Melanie Patrick, a journalism teacher, said she was trying to make the paper "like a real newspaper," but Williams seemed to want more of a public relations vehicle. Williams said that while she had made suggestions to the staff, she had never censored the *Hoover Voice*.

One incident involved an editorial criticizing the school's decision to hold the junior-senior prom in the school cafeteria. Williams read the editorial before the paper was printed and, according to Patrick, asked the staff to remove a statement and to write another editorial listing advantages of holding the prom in the cafeteria. "She just kept saying it was too negative," Patrick said.

Although Patrick acknowledged that Williams did not order the changes, "As a non-tenured teacher and two seniors sitting in her office, we felt we couldn't just say no and walk out."

"I asked that I have the option of reviewing the paper before it went to press. That has apparently distressed Ms. Patrick," Williams said. "I wouldn't tell you that there might not be a case where I could have required certain things."

Senior Brandi Campbell said she didn't think the newspaper was permitted to represent the students. "There is a sign advertising it that says 'The Hoover Voice is your voice,' and that's such a joke, because it's not," she said. Reported in: *Birmingham News*, March 30.

Chicago, Illinois

A group of protesters at DePaul University in Chicago shut down the student newspaper in April with a sit-in in its offices — and the university refused to eject them. Publication of the weekly *DePaulia* was suspended by "mutual agreement" of the university administration and the paper's staff. But student editor Zach Martin said the university administration refused to let the paper publish until it agreed to some of the protesters' demands.

About twenty students, most of them black, entered the offices of the *DePaulia* April 5, turned off computers and told staffers they would not leave until their demands were met. The demonstrators asked for the resignation of Martin, a staff writer, and a part-time faculty adviser. They also demanded that a full page in the weekly be reserved for reporting exclusively on minority issues, that one issue per year be devoted entirely to minorities, and that staffers be sent to sensitivity training.

A February 17 article set off the protest. In a report on a disturbance at a social event sponsored by a black student group, the *DePaulia* relied only on the police report. "The article was insulting, offensive and perpetuated negative stereotypes of blacks," Eric Wright, leader of the sit-in, said.

Jacqueline Taylor, head of DePaul's Department of Communications, said the paper made a mistake, but had apologized in print and published every letter of protest it received and reported fully on the demonstrations against the paper's original coverage.

"The story was not inaccurate, but it was insensitive," she said. "It's a student newspaper and it's going to have some mistakes in it. But it should not be shut down." Reported in: *Washington Times*, April 11.

Indianapolis, Indiana

Pike High School administrators confiscated more than a thousand school newspapers in April after they decided a column written by a senior would create racial tension. Newspaper adviser Jill Strawder said she was notified by assistant principals that about 1,700 copies of *The Pike Hi-Life* would not be distributed.

"They called me down and said there was a problem with the column; they felt it would cause unrest, that it was a racist article. They thought she was stereotyping,"

Strawder said.

The author of the article, an 18-year-old black student, moved out of state shortly before her last columns were published. The column, titled "Open Your Eyes," criticized African-American freshmen and sophomores for "boisterous, rowdy, obnoxious" behavior. "A lot of you believe the 'white man' is keeping you down. We know that; get over it," she wrote.

Dennis Cripe, executive director of the Indiana High School Press Association, reviewed the column and said, "I don't think it would have incited any riots."

"First Amendment rights are pretty much dead in high schools," Cripe added. "Principals can intercede with the high school press if they can find a way to justify censorship." He said even grammatical errors give administrators the right to censor under legal precedents. Reported in: *Philadelphia Tribune*, April 28.

Burlington, Iowa

Two students and a school board member in Burlington spoke out in April about what they considered unjustified censorship of the student newspaper by the principal of the high school. Principal Barry Crist banned a drawing of the sign-language symbol for "I love you" because he said it was a gang signal.

"It's very unfortunate that some symbols are very similar to and play on good symbols," Crist said. "But you have to look at the big picture and deal with what the zero-tolerance policy says. If you're going to have a zero-tolerance policy, you can't make exceptions."

Two student editors of *The Purple and Gray*, Burlington High School's monthly paper, said Crist also banned two drawings he said had gang symbols, as well as numerous editorials. Crist denied ever pulling cartoons. As for one editorial, which charged that current drug awareness programs were ineffective, he said it was pulled for factual reasons. "We're trying to develop responsible journalism," the principal said.

Former board member and teacher Henry Lunde said the alleged censorship did not follow Burlington district policy, which is based on Iowa law. According to Iowa law, school officials may censor student publications when material could disrupt order at the school or is obscene or libelous. Administrators also may censor material when it encourages students to commit unlawful acts or acts that violate school regulations. "In this situation, there was no conflict, no violation of these things," Lunde said. "Why should our administrators do these things? It doesn't make sense."

Student editors Jessi Dehl and Allison Sturgill said their drawings and editorials in no way encouraged violence or gang activity. "I don't have a problem with him [Crist] looking at the material," Dehl said. "But he does not have the right to pull it out just because he doesn't like it." Reported in: *Des Moines Register*, April 20.

Frankfort, Kentucky

Laura Cullen, adviser to the student newspaper and yearbook at Kentucky State University, filed a federal lawsuit in March against the university's Board of Regents, President Mary L. Smith, and Vice President for Student Affairs Betty Gibson. Cullen said the university violated her and her students' First Amendment rights and retaliated against her for her outspoken views.

The university confiscated the yearbook, *The Thorobred*, last fall semester and asked that Cullen submit each issue of the newspaper, the *Thorobred News*, for prior review. A December 20, 1994, memo from Gibson to Cullen said university administrators wanted to edit the newspaper because it contained too many typographical errors and not enough positive news. Cullen refused to submit the paper to prior review, saying the request violated her students' First Amendment rights.

The suit charges that Cullen was harassed, annoyed and punished by Gibson in retaliation for Cullen's outspoken support of a university employee union and for refusing to submit the newspaper for prior review. The suit states she was demoted from her position as coordinator of student publications to a lesser status as secretary and claims the demotion was taken "in total and complete violation of the employee policies" at the university. Reported in: *Kentucky State Journal*, March 15.

Allendale, Michigan

Whoever stole more than half of the six thousand copies of Grand Valley State University's student newspaper, the *Lanthorn*, on April 19 may have thought it a practical joke, but the newspaper staff didn't. "This was really quite childish. I think it was a beer decision," said Lawrence Beery, professor of communications and adviser for the paper.

Editor-in-Chief Kate Beatty realized something was wrong when she started getting calls from people looking for the weekly publication. The newspaper is distributed from forty locations. Papers at several downtown locations were not stolen, but on the Allendale campus, stacks of newspapers were missing at a total of 35 of the forty distribution points. "We had six thousand printed and we estimate there were four thousand missing. We found about three thousand of them in a dumpster," said Beatty.

Staff members suspected a fraternity may have been involved because of opposition to the paper's reporting of fights among frat members. "The rumor is that they're getting back. They just hate the *Lanthorn*," said Beatty. He said there were no controversial stories in the issue, the twenty-ninth and last of the year.

The *Lanthorn* joined twenty-six other campus newspapers across the U.S. whose papers were stolen this academic year; thirty-eight papers were targets of such

thefts last year.

"This incident, as many others throughout the year, is indicative of the hostile climate of the campus when it comes to First Amendment issues," Beatty said. "It's really a constant battle to be fought, since many students on campus find it easier to steal papers to suppress speech than write a letter to the editor. Reported in: *Grand Rapids Press*, April 21; *Lanthorn*, April 22.

art

Baton Rouge, Louisiana

A federal judge declined March 21 to force Baton Rouge Gallery to display two drawings pulled from an exhibit last year because of complaints about their sexual content. U.S. District Court Judge Frank Polozola rejected the requests of three artists who asked for a temporary order to get the art back on the walls of the gallery.

Roberta Cohen, Greg Elliott and Bobby Silverman sued the gallery and the Baton Rouge Recreation and Park Commission after the commission objected to stylized nude figures in two of Cohen's pieces depicting family violence that were shown in a three-artist show in April, 1994. All three artists took down their works in protest and filed suit. Reported in: *Baton Rouge Advocate*, March 22, 24.

Albuquerque, New Mexico

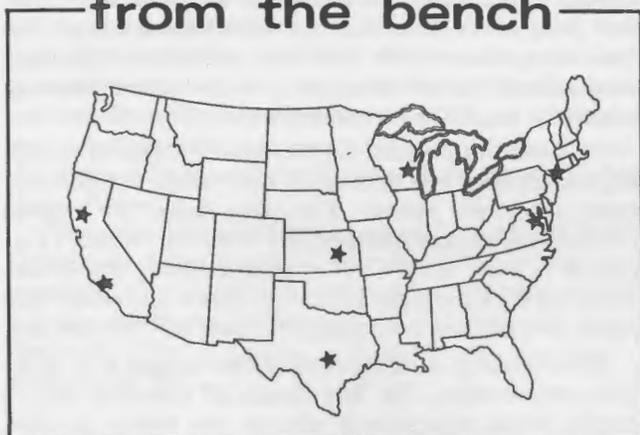
Two University of New Mexico art instructors said Department of Continuing Education officials censored a display of nude figure drawings artists erected at the department's request. Instructor Joan Boyden said parts of the display, consisting mostly of charcoal sketches but including a few oil paintings, were removed one day after the show started. She said slightly less than half of the twenty-four works were removed from the display April 14, with the remaining art rearranged to cover the empty spaces.

"Full frontal nudity with no genitalia drawn in — that was acceptable," Boyden said. "As far as I could tell, no breasts, no genitals" were allowed. "If we all had buttocks on our fronts, we'd be OK," added instructor Kevin Curry, who said several of his full frontal male nudes without genitalia were left hanging.

Boyden said a continuing education staff member asked her and Curry to create a display of art from their figure drawing class for a showcase near the department's entrance to serve as "an advertisement" for the course. She said she was given no guidelines about what could be included. Curry said it was only natural that nudes would be part of the display. "This is what we do in these

(continued on page 118)

— from the bench —



U.S. Supreme Court

In an opinion celebrating the American tradition of pamphleteers, the Supreme Court ruled April 19 that states cannot require people to sign leaflets and other campaign literature. By a 7-2 vote, the court rejected an Ohio statute — similar to those in many states — that required election literature to contain the name and address of the person responsible for it. The court majority broadly endorsed robust and free political speech and said the right to remain anonymous is part of the First Amendment's free speech guarantee.

"Under our Constitution, anonymous pamphleteering is not a pernicious, fraudulent practice, but an honorable tradition of advocacy and of dissent," Justice John Paul Stevens wrote for the Court. "Anonymity is a shield from the tyranny of the majority." Stevens's opinion was laced with references to anonymous literature and political speech, including the Federalist Papers, which were published under the name Publius. He compared anonymous political speech to "the secret ballot, the hard-won right to vote one's conscience without fear of retaliation."

But dissenting justices said the decision lacked a legal standard that might differentiate more extensive and expensive campaign advertising. "It may take decades to work out the shape of this newly expanded right-to-speak incognito, even in the elections field," wrote Justice Antonin Scalia, who was joined in his dissent by Chief Justice William H. Rehnquist. They questioned whether, under the ruling, a government newsletter would have to print anonymously written letters or cities would have to give parade permits to groups that refuse to disclose their identity.

Lawyer David Goldberger, who won the case, said Scalia's examples defied common sense. "The court struck down a blunderbuss statute," he said. "It left plenty of latitude for a state to regulate when it needs to."

Ohio state officials, who had argued that the signature requirement prevented fraud and libel in campaign materials, said they would try to redraft the statute. "We think we can still go after fraud and [focus on] campaign organizations," said Assistant Ohio Attorney General Mark R. Weaver. Referring to the particular facts of the case, he said, "We clearly won't be able to regulate individuals circulating fliers in noncandidate elections."

McIntyre v. Ohio Elections Committee began in 1988 when Margaret McIntyre, with the help of her son and his friend, gave homemade leaflets to people attending a school board meeting in Westerville, Ohio. The leaflets protested a proposed school tax levy and were signed "Concerned Parents and Taxpayers." McIntyre ignored a school official's warning that she was violating Ohio's election law and continued to pass out the handbills then and at another meeting the next evening.

The tax levy passed a few months later, and the school official filed a complaint against McIntyre. The Ohio Elections Commission fined her \$100 for passing out the unsigned leaflets. McIntyre's appeal eventually went to the Ohio Supreme Court, which upheld the fine, saying the state's interest in identifying people who might distribute false or fraudulent statements outweighed free speech concerns. McIntyre died of cancer in May, 1994, but her family carried the case to the Supreme Court.

In his opinion, Stevens said pamphleteers may want to remain anonymous for fear of retaliation, to avoid social ostracism or simply to maintain privacy. "An author's decision to remain anonymous . . . is an aspect of the freedom of speech protected by the First Amendment," he wrote. He stressed that political speech merits the greatest constitutional protection and balanced the state's interest in preventing fraud and libel. Stevens said while it was important that voters not be deceived, Ohio's prohibition improperly encompassed literature that was not false or misleading and covered large groups and lone protesters, the elections of public officers and ballot initiatives.

"We recognize that a state's enforcement interest might justify a more limited identification requirement, but Ohio has shown scant cause for inhibiting the leafletting at issue here," he said. Justice Ruth Bader Ginsburg wrote a separate statement underscoring the fact that a state might have a stronger interest in restricting anonymous campaigning in other situations.

Stevens distinguished *McIntyre* from two past cases upholding the constitutionality of disclosure requirements. He said an important 1976 ruling concerned campaign-related expenditures and a key 1978 case concerned only the scope of First Amendment protections

for corporations.

Justice Clarence Thomas concurred in the judgment, but disagreed with Stevens's reasoning. He said the appropriate question was whether the framers of the Constitution believed "freedom of speech" protected anonymous political leafletting. He said they did. In his dissent, Scalia said most states and the District of Columbia bar anonymous leaflets in laws dating to the 19th century. He said the court should respect such a long-established legislative practice. Reported in: *Washington Post*, April 20.

On April 19, the Supreme Court unanimously struck down a federal law that prohibited brewers from putting the alcohol content on beer labels, saying the restriction violated the First Amendment's protection for commercial speech.

The government had argued that the law, dating back to 1935, was intended to prevent "strength wars" among beermakers who were eager to compete on the potency of their brew. The law prohibited the labeling of malt beverages unless such disclosure is mandated by state law. Ten states require beer bottles and cans to show alcohol levels, largely in the Midwest and West.

Writing for the court, Justice Clarence Thomas said that anecdotal evidence of strength wars does not outweigh "the overall irrationality of the government's regulatory scheme." He noted that the government also inconsistently allows alcohol content to be used in advertising. "There is little chance that . . . [the law] can directly and materially advance its aim, while other provisions of the same act directly undermine and counteract its effect," he added.

The decision in *Rubin v. Coors* will allow beermakers to put alcohol content on labels in the forty states where such information is not now required. The justices observed that Coors Brewing Co., which had challenged the post-Prohibition Era law, was seeking to disclose truthful, factual information. In a concurring statement Justice John Paul Stevens called the statute "nothing more than an attempt to blindfold the public." Reported in: *Washington Post*, April 20.

When South Boston war veterans tried to keep a contingent of gay marchers out of their St. Patrick's Day parade in the early 1990s, state courts said the veterans engaged in discrimination based on sexual orientation and ordered them to let the gays join the parade.

During a Supreme Court hearing April 25 on *Hurley v. Irish-American Gay and Lesbian Group of Boston*, several justices suggested the veterans might have had the better case. Justice Sandra Day O'Connor questioned whether government could ever compel people engaged in private speech to include a message that was not theirs. She asked whether a Ringling Bros. and Barnum & Bailey Circus parade could be forced to allow animal rights groups to march.

John Ward, lawyer for the gay marchers, responded that people can be excluded from a private parade for their viewpoints — for example, opposition to animal confinement — but they cannot be excluded because of who they are, in this case homosexuals.

The Boston case tests the free speech rights of parade organizers and will determine how much control they have over their events. The same fight has erupted between gay groups and sponsors of the St. Patrick's Day parade in New York City. Similar disputes have arisen when the Ku Klux Klan has tried to block blacks and civil rights groups from accompanying them on their marches.

More broadly, a ruling could affect groups with selective memberships. The Boy Scouts of America, for example, which rejects boys who do not believe in God, has urged the justices in a "friend of the court" brief to use the case to clarify the constitutional freedom of association.

The justices' questions took a variety of approaches. Justice David H. Souter wondered whether a parade was inherently expressive. Justice Ruth Bader Ginsburg asked whether the parade, with its strong backing from city officials, could be considered a "state action" subject to tougher anti-discrimination standards. But lawyers for both sides said the St. Patrick's Day parade was a private event.

Justice Antonin Scalia most vigorously took up the veterans' side, rejecting arguments from Ward that the gay group simply wanted to be part of a recreational event. He said they sought to express "pride in what they are." Justice Anthony M. Kennedy said that for a court to tell a private group how to celebrate "is antithetical to the First Amendment."

The conflict dates to 1992, when the South Boston Allied War Veterans Council refused to allow the Irish-American Gay, Lesbian and Bisexual Group of Boston to participate in its annual parade, saying council members did not want "any groups with any sexual themes" to join them. State courts, relying on the state's public accommodations law banning discrimination based on sexual orientation, ruled against the veterans in 1992 and 1993. A trial court found that the gay group was rejected "because of its values and its message, i.e., its members' sexual orientation."

The Supreme Judicial Court of Massachusetts last year upheld the findings, saying it did not have to decide whether the free speech or expressive association rights of the veterans were at risk because the trial court found that the veterans had no discernible expressive message entitling them to free speech protection.

In the veterans' appeal to the Supreme Court, they said "every parade is designed to convey a message" and their message celebrates religious and social values. The veterans' lawyer, Chester Darling, said that while the

parade honors St. Patrick, the court need not find that the veterans were exalting their Irish heritage of their Roman Catholicism, only that they were engaged in a form of free speech. Darling insisted that his clients did not care about the sexual orientation of the gay contingent but rather the message they wanted to proclaim. He said the display of gay pride conflicted with the parade's traditional flavor.

"This case is about discrimination," countered Ward. He said his clients wanted to be included in a recreational event and they intended to carry a placard only to identify the contingent. "They did not come in with a sign that said, 'Gay is Good.'" Reported in: *Washington Post*, April 26.

university

New York, New York

A state university's reasonable expectation that a professor's controversial speech on racial matters would disrupt university operations was sufficient to justify curtailing his term as a department chairman, the U.S. Court of Appeals for the Second Circuit held April 4. Reversing an earlier ruling, the court held that the school's action did not violate the First Amendment despite a jury finding that no actual disruption resulted from the speech.

Prof. Leonard Jeffries was chairman of the Black Studies Department at City College of New York, a state institution. After he gave a widely publicized speech on bias in the New York schools and the history of black oppression that included anti-Semitic remarks, the school removed him as chairman after one year, instead of the usual three.

A jury found that Jeffries' speech did not disrupt university operations but the school officials "were motivated . . . by a reasonable expectation" that it would. Last year, the Second Circuit held that the First Amendment had been violated. That decision was vacated and remanded for reconsideration in light of a recent U.S. Supreme Court ruling in a public employee speech case.

On remand, the court changed course. It had previously reasoned that the First Amendment protects public employee speech on a matter of public concern unless the speech actually disrupts the employer's operations. But the Supreme Court opinion convinced the court that speech-based discipline of public employees is permissible if the employer's prediction of disruption from the speech is reasonable, the potential disruptiveness outweighs the value of the speech, and the disciplinary action is based on the likely disruption, not retaliation for the speech. Those criteria were met in the Jeffries case, the court concluded. Reported in: *U.S. Law Week*, April 18.

abortion

Milwaukee, Wisconsin

The federal statute prohibiting non-violent obstruction of abortion clinics ran into its first successful constitutional challenge March 16. The U.S. District Court for the Eastern District of Wisconsin held that Congress lacks power to ban such conduct under the Commerce Clause or the Fourteenth Amendment.

The Freedom of Access to Clinic Entrances Act prohibits the use of force, threats, or physical obstruction to injure, intimidate, or interfere with persons obtaining or providing reproductive health services. Reported in: *U.S. Law Week*, March 28.

military

New York, New York

A federal judge on March 30 ruled against the Clinton administration's "don't ask, don't tell" policy on gays in the military. He said it was discriminatory and violated free speech rights.

U.S. District Court Judge Eugene Nickerson issued his ruling on a suit brought by six gay service members who challenged the policy. It requires the honorable discharge of service members who go public with their homosexuality. Discharge proceedings are underway against three of the plaintiffs. All six remain on active duty.

Nickerson said that even if the government intended that the law "prevent the commission of prohibited 'acts' or appease heterosexual prejudices," it failed to make its case. "Even if defendants do believe that heterosexual service members will be so upset by a co-worker's mere statement of homosexuality as not to work cooperatively in the unit, such a belief does not justify a discriminatory policy," he said.

Congress adopted the rule in 1993. It allows gay men and women to serve in the military as long as their sexual orientation is not publicly known. An estimated two hundred service members have been discharged under the policy or are awaiting decisions.

In arguments before Nickerson, government lawyer Margaret Plank said the unique demands of military life, including tight living arrangements and a need for teamwork, required the exclusion of gays who openly acknowledge their homosexuality.

Matthew Coles, a lawyer for the ACLU, said the law was based on prejudice and forced homosexuals to "choose between serving their country or living a lie." Reported in: *Milwaukee Journal*, March 30.

music

Santa Barbara, California

Municipal Court Judge Harry Loberg declared March 2 that a ban on Halloween music in Isla Vista, which was put into effect in 1993 by the county Board of Supervisors, is justifiable considering the circumstances surrounding Halloween celebrations in the university community. The ordinance condemns all live or prerecorded music at festivals, defined as gatherings of five hundred or more, throughout the holiday weekend.

Police officials consider the ban to be a major reason behind a reduction in lawlessness during the holiday. However, this method of reducing crime violates the First Amendment and is too broad, according to Assistant Public Defender Michael McMahon, who presented the case in municipal court. McMahon argued that the ordinance technically allows heavily amplified recitals and speeches, but prohibits the playing of an acoustic guitar in the front yard of a residence.

"I lost this round in the municipal court, but I'll be filing a writ petition in the Superior Court," McMahon said. "I'm willing to take it to the Supreme Court, but I hope to win before that." Reported in: *Daily Nexus*, March 7.

commercial speech

Austin, Texas

After two years of wrangling with critics in and out of court, the State Bar of Texas finally got the green light from a federal judge to impose new restrictions on lawyer advertising. The rules as approved, however, are far less strict than the bold crackdown on flamboyant attorney ads initially proposed in 1993.

In a decision handed down March 31, U.S. District Court Judge William Wayne Justice in Tyler declared three specific provisions of the State Bar's regulations unconstitutional. But he found the rest within the narrow range of limitations that the U.S. Supreme Court has said can be applied to commercial speech.

The State Bar already had the power to regulate lawyer advertising, but the new rules were intended to strengthen that authority. Bar leaders tried and failed in 1993 to win approval of its first set from the state's lawyers. It tried again and succeeded in 1994. Critics then appealed to the Supreme Court of Texas and later to Judge Justice. Reported in: *Dallas Morning News*, April 4.

adult periodicals

Sacramento, California

State Attorney Dan Lungren — threatened with jail time if he refused to comply — obeyed a court order

March 27 and told sheriffs and district attorneys throughout California to halt prosecutions under a law banning the sale of sex-oriented publications from news rack vending machines.

Lungren passed the word just in time to meet a contempt-of-court deadline set by U.S. District Court Judge Manuel Real. Lungren, who said he was "not in agreement" with Real's order, relented after the U.S. Court of Appeals for the Ninth Circuit in San Francisco refused to overturn the ruling by the Los Angeles judge.

Real found Lungren in contempt March 23 for enforcing the law — enacted last year with the purported intent of making it more difficult for so-called "adult publications" to fall into the hands of minors. The vending statute was passed by the legislature and signed into law by Gov. Pete Wilson in April, 1994. Publishers, distributors, vendors and a reader of sexually oriented publications promptly filed suit, contending that the law violated the First Amendment.

Responding to the suit, Real issued his injunction. Ignoring the injunction, Kern County sheriff's deputies seized seventeen vending machines containing adult publications. The plaintiffs complained to Lungren, and when he turned a deaf ear, they complained to Real. The judge responded with the contempt order. The order is to remain in effect until the constitutionality issue is resolved. Reported in: *Los Angeles Times*, March 28.

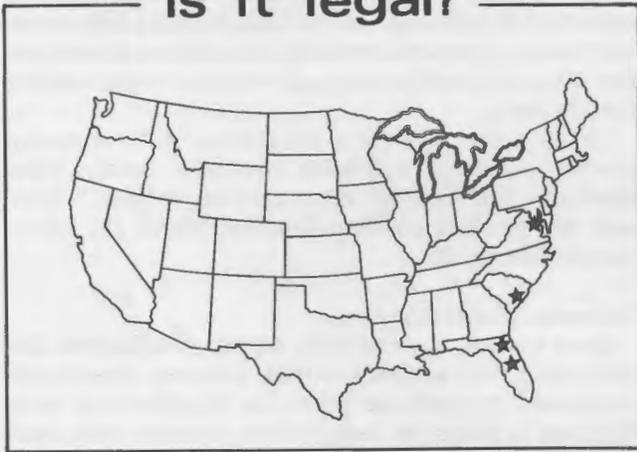
public accommodation

Coronado, Kansas

The Boy Scouts' policy of permitting only those willing to show a strong reverence to God to be adult leaders does not open the organization to liability under the Kansas Act Against Discrimination, the Kansas Supreme Court held March 10. Rejecting a challenge by an atheist who was rejected as a scout leader, the court said the organization is simply not a "public accommodation" under the statute.

The court said that public accommodations include only those places of business that are held open to the general public and where members of the general public are invited to come for business purposes. The would-be leader had argued that because Little League baseball was found to be a public accommodation in 1974 and hence compelled to open its teams to girls, the Boy Scouts should be similarly defined. But the court said Little League is a public accommodation because it "is open to children in the community at large, with no restriction." While the Boy Scouts advertise nationally, membership is not open to the public at large, and, unlike Little League, the services and facilities provided by the Scouts are only incidental to their focus and goals. Reported in: *U.S. Law Week*, March 28. □

is it legal?



cyberspace

Washington, D.C.

A bill that would punish people who create obscene material for distribution on computer networks passed a key Senate committee by a vote of 17-2 March 23. It immediately drew criticism from the Clinton administration, on-line businesses and civil liberties groups. The Communications Decency Act would impose jail terms and fines on people or companies who originate public on-line material that is deemed "obscene, lewd, lascivious, filthy, or indecent." It also would penalize solicitation of such material. The bill does not define these terms.

The measure's sponsor, Sen. J. James Exon (D-NE), said he introduced it to protect minors from pornographic material that is found on many on-line services. "I want to keep the information superhighway from resembling a red-light district," he said.

Sen. Slade Gorton (R-WA), a co-sponsor, said "it extends to computer users the same protections that currently exist for telephone users" against obscene calls.

The federal government has long enforced rules against obscene material being broadcast by radio or television stations. The bill would extend similar standards to the fast-growing and largely unregulated field of on-line communications. Computer networks help children do homework, scientists conduct research and loved ones stay in touch. But users also can use their equipment to connect to databases that contain sexually oriented pictures and stories.

The bill would instruct the Federal Communications Commission to devise ways to bar such material. Enforcement of the penalties of as many as two years in prison and fines of as much as \$100,000 would likely be handled by the Department of Justice.

Exon's bill, included in a broad telecommunications reform package approved by the Senate Commerce Committee, has angered civil liberties groups and companies hoping to build businesses around the information highway. The Clinton administration also urged the Senate to be cautious.

"The administration abhors obscenity, in whatever form it is transmitted," White House representative Ginny Terzano said. But, she added, "there are important First Amendment issues that need to be addressed before legislation is rushed through. We ought to have a serious approach — such as hearings — to find the best solution."

Critics said the law would have a chilling effect on the development of on-line services, and that it holds "cyberspace" to a more stringent standard than print: photos or text that might be printed in a magazine on paper might be banned in an on-line version of the same publication, critics charge.

"It is unconstitutional, and a direct threat to free speech on the information highway," said Jerry Berman, chair of the nonprofit Center for Democracy and Technology, an advocacy group helping coordinate opposition to the bill.

The bill voted out of committee made clear that it would hold the originators of objectionable material liable, not the computer network companies that carried the material. Critics had said that as originally worded the bill could have required on-line companies to police their services and read members' private electronic mail. The change did not satisfy the strongest critics, however.

"The changes addressed these issues, but they certainly didn't resolve the problems," said Shari Steele, director of legal services for the Electronic Frontier Foundation, a non-profit group that seeks to preserve First Amendment rights on-line. Steele said the legislation as reported out of committee did not distinguish between material that is sought out and that which is displayed or delivered without the consent of the reader. In addition, the proposal's language is vague. "Just exactly what is 'filthy' speech?" she asked.

While the Supreme Court has allowed local communities to set obscenity standards, Steele argued that the nature of the Internet means that on a practical level, local standards no longer exist.

"We've already got one case that's a nightmare," she noted, "where California system operators were brought up on charges in Memphis, Tennessee, and found guilty of obscenity based on Memphis, Tennessee, standards of what is obscene, not California standards, where they

were perfectly fine.”

That case has turned the entire body of obscenity law on its head, she said. The Supreme Court has held that community standards of a cosmopolitan city like New York or Las Vegas cannot be used to define obscenity in a small town. Since technologies like the Internet have no such boundaries as state — or even national — lines, Exon’s proposal would give small towns the power to impose their mores on big cities.

Moreover, the legislation’s protection for system operators is very weak, Steele contended. The language exempts system operators who lack “editorial control” over the messages stored on their systems from responsibility for any offending material. “Without a better definition of what the legislation describes as ‘editorial control,’ this is still an issue that could jump up unexpectedly and bite system operators,” she said. Reported in: *Washington Post*, March 24; *Chronicle of Higher Education*, April 7.

schools

Orlando, Florida

Ten-year-old Joshua Burton is suing his teacher, his principal, his school, and the Orange County school district because he was punished for reading the Bible at school. An attorney for the fourth-grader at Columbia Elementary School said the boy’s rights to free speech and to exercise his religion were violated.

“Joshua has the constitutional right to bring the Bible, to silently read it to himself and to read it to others,” said attorney Matthew Staver, “even if the other students, even if the administrators don’t like what he’s saying.” Staver, lead attorney for a group called Liberty Counsel, filed the suit March 25 in U.S. District Court in Orlando.

Frank Kruppenbacher, an attorney for the school district, said the case “has nothing to do with the Bible. This has everything to do with disrupting the classroom and the school environment.”

The suit alleges that earlier in March, Joshua read the Bible aloud once before class and, two other times, read it silently during free time. The district contends that he read it silently when he was supposed to be doing schoolwork on one occasion and that he read it aloud two times.

The controversy began when Joshua’s teacher said she caught him reading the Bible silently when the class was supposed to be doing schoolwork. She told him he could not bring the Bible to school. The next day, when the boy’s father complained, Columbia Principal Sylvia Boyd said Joshua could bring the Bible if he read it silently during free time.

Later, Joshua read aloud in a courtyard while children waited for class to begin, Boyd said, bringing complaints from two students and resulting in a religious discussion. The Bible was confiscated again when he began reading it at his desk.

“In this class, I have a daughter of a Presbyterian minister, a Jehovah’s Witness, Catholics, others. What happens is other people’s rights are then violated,” Boyd said. Reported in: *Orlando Sentinel*, March 28; *Miami Herald*, March 28.

Columbia, South Carolina

Seven students suspended for wearing Confederate flag shirts have sued a school district, claiming they should be allowed to sport the rebel flag if others can wear Malcolm X shirts. At least fifteen students have been punished for wearing the shirts at Blackville Middle School, according to the class-action suit filed April 17.

The plaintiffs contend the Barnwell County District 19 dress code, which prohibits “distasteful or disruptive” symbols on clothes, has been unfairly applied in violation of their free speech rights. The suit claims that students were suspended for wearing shirts with the Confederate flag saying “Flying high, ain’t coming down,” while black students have been permitted to wear symbols of African-American pride, including Malcolm X t-shirts, that “may be offensive to white students.” Reported in: *Arlington Heights Daily Herald*, April 20.

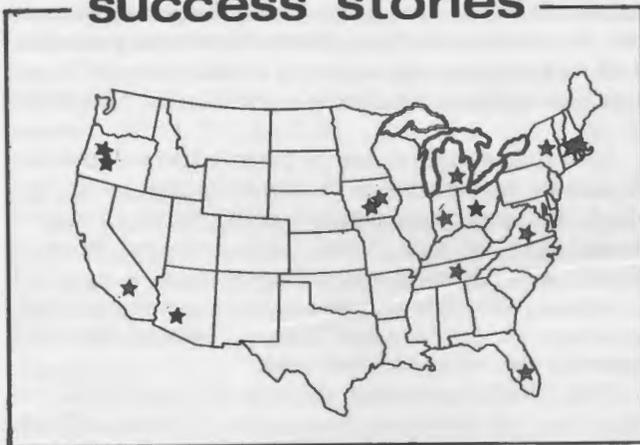
music

St. Augustine, Florida

A new city ordinance banning street performers in St. Augustine’s historic area is a violation of First Amendment rights, said the attorney for a musician arrested after challenging it. “If they choose to arrest someone on a patently unconstitutional ordinance, they’re taking their chances,” attorney Tom Cushman said. He represents musician Roger Jolley, who was arrested in late March for defying the ordinance.

The law came in response to complaints from shopkeepers that musicians were hurting business. The players scared off customers and caused crowds that blocked shop entrances, the merchants contended. The ordinance bans musicians from playing for money on a section of busy St. George St. That section, closed to cars, is the heart of the tourist district in St. Augustine, the nation’s oldest city. Reported in: *St. Petersburg Times*, April 7. □

success stories



libraries

Mesa, Arizona

A book that an east Mesa resident petitioned to be taken off library shelves will remain in the Mesa Public Libraries, a committee and the city's library director decided in April. Kim Huntsinger had asked library officials in February to remove *Naomi in the Middle*, by Norma Klein, from the East Mesa Regional Library.

"I was shocked and appalled at some of this book's contents," Huntsinger wrote in a letter to Library Director Vince Anderson and the Mesa City Council. "The book is completely inappropriate to be on the shelf of the Mesa Public Library, much less in the juvenile section." Huntsinger charged that four pages of the book had inappropriate material describing human sexual anatomy and how babies are conceived. "It's not a sex education book," she said.

Anderson appointed a five-member committee to read, study reviews and discuss the book, and make a recommendation. The committee decided unanimously March 29 to retain the title in both the children's and young adult collections. Two members of the committee, who are also members of the library board, said, however, that they had problems with the book and recommended keeping it only because they did not want "to start a policy of removing books from the library."

In her reconsideration form, Huntsinger replied to the question, "Does any individual have a right to tell you what you may or may not read, hear, or see?" as follows: "Yes, I look to the government and officials I have helped elect to make unavailable books, TV shows, magazines

. . . that tear down the family, has [sic] no moral value, is pornographic and is excessively violent. . . . Hiding behind the freedom of speech amendment is a cop-out for choosing not to be responsible for any moral choices that need to be made."

In a letter to Huntsinger, Library Director Anderson replied, "All members of the committee disagreed with your opinion on freedom of speech and who has the right to set moral standards for the general public. Though all members of the committee could understand your criticism of the book, all agreed that some parents would like it, some, like yourself, would be offended by it, and some would ask for it to use as an opportunity to discuss the facts of life with their children." Reported in: *East Mesa Independent*, April 12.

Mediapolis, Iowa

The Mediapolis School board on April 24 accepted the recommendation of a district book reconsideration committee that *Catspaw*, a science fiction novel by Joan D. Vinge, remain in the school library with restrictions for junior high school students. The book, challenged by district parents more than two years earlier, will now be available to junior high students with parental consent. There will be no restrictions for high school students.

The book was challenged in March, 1993, by John and Carol Steiner, who said it was "unredeeming and destructive" as well as "morally decadent." The Steiners objected to what they called "detailed descriptions of sexual activities, drug use, [and] foul language."

In a written position paper, the group said the decision "grew out of a balance of moral judgment, constitutionality, a need for educationally challenging material, and a feeling that an age appropriate level could be acceptable when coupled with parental rights." The paper said the decision "was not the primary choice of the majority of the members," but called it "an acceptable middle ground."

The committee was asked to reach a consensus of all fourteen members in order for the board to accept the group's decision. If no consensus had been reached, the board would have decided the issue by simple majority vote. Reported in: *Burlington Hawk Eye*, April 26.

Watertown, New York

Six of nine committee members who reviewed a controversial Case Junior High School library book recommended March 16 that it remain on school library shelves. *Queen of the Summer Stars*, by Persia Woolley, contains scenes of sex, kidnapping, rape and incest, but the themes of love, loyalty, honor and trust are more obvious to the reader, the committee said.

The book had been under review since a complaint from parent Stephanie A. Kerry, whose daughter signed

it out of the library. Ms. Kerry said the book contained vulgarity and obscene references to sexual relations that should not be available to junior high school students (see *Newsletter*, May 1995, p. 66).

The book is based on the legend of King Arthur and Queen Guinivere and is recommended for grade 9 through adult. The committee concluded that the book was "generally well-written, historically based and would appeal to a particular type of student (one who is a good reader and has an appreciation for this time period)." Since a child's development does not always correspond with grade level, books in the high school category need to be available at the junior high level, the committee concluded. The minority said the book should be moved to the high school. Reported in: *Watertown Daily Times*, March 21.

West Linn, Oregon

The West Linn-Wilsonville School District decided in mid-April to keep a controversial science fiction book in its libraries despite a plea by a student's parents to pull it from the shelves. The parents of an eighth-grade Bolton Middle School student asked the district to review *Jumper*, by Steven C. Gould, because they thought it was inappropriate for school children to read. The book tells the story of a 17-year-old boy who escapes a bad family situation and learns to teleport or transport himself through space.

"I'm not the kind who would pull a book off a shelf and burn it," said parent Jacqueline Dunstan. "But when I read it, I felt like I'd been kicked in the stomach. I felt like kids should be protected." In the violent scene to which the parents objected, the book's main character escapes from a sexual attack by a group of male truck drivers by teleportation.

A group of teachers, parents and school officials read and reviewed the book and recommended to the school board that the book remain on the shelf. In a unanimous vote, the board agreed, saying the violent scene was not significantly inappropriate and the scene did not warrant the book's removal.

"We just didn't feel that when we looked at the book as a whole, it's good and bad, that it was appropriate for us to say, 'Let's throw this book out,'" said board member Nancy Stuart. "If you're going to start doing that, you're going to have to throw an awful lot of books out." Reported in: *Portland Oregonian*, April 20, 23.

Stafford County, Virginia

A popular teenage magazine was back on the shelves in April at a Stafford County middle school despite a parent's protests that the magazine carries sexually explicit material that young readers, such as his twelve-year-old daughter, should not see. *Seventeen* was removed in March from the library at T. Benton Gayle Middle School

after Michael Berry complained about a story featuring lesbianism and sexual arousal. He said he was "appalled" that his daughter had been able to borrow the periodical without his consent and asked the school to restrict *Seventeen* and similar magazines (see *Newsletter*, May 1995, p. 68).

After a three-week review by school officials, however, *Seventeen* was returned to the library in late April. "We think the magazine presents a pretty balanced mix of young girls' interests," said Gayle Principal Winston Ward, who reviewed the magazine with a panel of educators. "Parents have the right to censor what their children read, but they don't have the right to censor the material that other children read."

Kent Willis, executive director of the ACLU of Virginia, had threatened legal action if school officials failed to return the magazine to the library. He called the decision "a clear First Amendment victory." Reported in: *Washington Post*, April 2, 27; *Washington Times*, April 27; *Richmond Times-Dispatch*, April 26.

schools

Simi Valley, California

The stars and stripes may continue to wave on the T-shirt of a junior high school student after officials agreed to modify an anti-gang dress code. The Simi Valley school district agreed March 8 to allow students to wear shirts conveying "an expression of thoughts or ideas." Slogans and pictures that are deemed vulgar, racist, sexual or otherwise inappropriate are still banned.

"I'm glad I can wear my shirt," John Spindler said. The ACLU filed a lawsuit after Spindler was sent home for wearing a T-shirt displaying a U.S. flag, an eagle, and the letters "USA." Reported in: *Miami Herald*, March 10.

Daytona Beach, Florida

School Superintendent Joan Kowal decided April 17 to support the recommendation of a districtwide review committee that teachers be allowed to use the novel *Tex*, by S.E. Hinton, in eighth-grade classrooms. Kowal's decision closed a review process begun by Roger Davis, a Daytona Beach parent who objected to the book's language and violent themes.

According to district policy, a 28-member committee of teachers, principals, administrators and citizens met twice in March to decide whether the book was appropriate reading for eighth-graders. On March 22, they voted 26-2 that teachers should have the option of assigning the book. While accepting the recommendation, Kowal said the district would take steps to improve communication with parents about potentially controversial materials.

Davis was upset because his daughter was reading the book for an in-class assignment at Campbell Middle School without his knowledge. When he objected, his daughter was offered an alternate assignment (see *Newsletter*, May 1995, pp. 69-70). Reported in: *Orlando Sentinel*, March 23, April 30.

Carmel, Indiana

The saga of *Journey of the Sparrows*, by Fran Leeper Buss, came to an end in April — at least as far as Carmel City school administrators were concerned. A committee rejected a Carmel resident's challenge to use of the novel about Salvadoran refugees in sixth-grade classrooms.

"I was disappointed, but I wasn't surprised it turned out this way," said Kathleen Barker, who last year complained about a Carmel Junior High teacher's inclusion of the book in his social studies curriculum. "I do not plan to pursue this with the school board at this time," she said. "I think it's futile." Barker cited language, sexual violence, and tolerance of illegal immigration as the basis of her objections.

The Challenged Materials Committee, chaired by retired minister Rev. Warren Saunders, did not accept Barker's suggestion to withdraw the book from all students in the class and from open shelves in the Media Center for students up to seventh grade. The committee said it was impossible to see what Barker found objectionable in some passages for which she gave page references.

"The events of a sexual nature depicted in the book — of which there are few — pale in comparison to the current events reported by the print and television media," the committee wrote. Finding the book readable and appealing to students, the committee said *Journey* gave readers a literary experience and was appropriate for a social studies class studying Central America. Reported in: *Noblesville Daily Ledger*, April 25.

Harper Woods, Michigan

A parental complaint against Alvin Schwartz's *More Scary Stories to Tell in the Dark* was rejected in March by a committee of parents, teachers, administrators and a librarian. The committee voted unanimously to return the book to a district reading list and the decision was upheld by the school board on appeal.

"I usually look at all the reading material my son brings home from school," said parent Jean Jaworski, who became upset after her fifth-grade son brought *More Scary Stories* home. "This was way past being scary. There were two stories in there that were really objectionable. One was really disgusting. It was about a man who murders his wife, chops her up, puts her through a meat grinder and sells her as sausage. Right away I thought of Jeffrey Dahmer. It's just not appropriate for

children." Jaworski also objected to a story about summoning ghosts from a mirror. Reported in: *Detroit News*, April 7.

Lakota, Ohio

A sex education video that raised objections from parents and two Lakota school board members will remain as optional material for sixth graders. Board member Roger Jeter failed in his attempt to ban the last few minutes of the movie *The Miracle of Life*. He said the end of the video graphically showed a human birth, which was not appropriate for students to see.

Superintendent Kathy Klink recommended the video continue to be used "as appropriate" and let the teachers and principals determine the maturity level of the students and what parts should be shown. Parents, she said, also have the ability to express their concern on an individual building level and the option of having their children sit out of the class.

Jeter had moved to have the last few minutes banned from viewing, but lost on a 4-1 vote. After seconding his motion, board member Helen Shumaker wanted to amend it to banning the video altogether, but her motion was not seconded. Reported in: *West Chester Community Press*, April 26.

Salem, Oregon

Recordings of a song called *Witches Brew* will remain in Salem-Keizer schools, the school board decided March 14. The unanimous vote came after no deliberation by board members. Kindergarten parent Susanne Barham requested the review at Fruitland Elementary School because "the song is about the sin of witchcraft, which is religion." A review committee recommended that the schools retain the recording without restriction. Reported in: *Salem Statesman-Journal*, March 15.

Cookeville, Tennessee

With what was temporarily a five-member school board, John Steinbeck's classic depression novel *Of Mice and Men* barely gained approval March 9 for continued use in a ninth grade honors class. The board voted 3-2 to accept a citizens' committee recommendation that the book continue as part of the class.

The controversy began last fall when a parent complained to Superintendent Mark Gentry that he did not want his son to read the book. While the teacher offered an alternative, the parent also did not want his son to have to choose an alternate, thereby calling attention to himself in the class. In response, Superintendent Gentry suspended teaching of the book, but later, after talking with a district lawyer, ordered it reinstated.

A controversy then developed and board chair Roy Watts appointed a large committee to review the book

and make a recommendation. The committee met twice, discussed the book and the various issues thoroughly, and then voted 10-5 to recommend that it continue to be taught in ninth-grade honors.

Board member Maxine Frasier was one of the two votes against retaining the book. She displayed a chart of profane words in its pages and made a long speech condemning it, not only for the curse words but for all aspects of its plot. Reported in: *Cookeville Herald-Citizen*, March 10.

music

Leominster, Massachusetts

There was little doubt that a proposal to restrict music sales in Leominster would fall upon deaf ears, but there was no shortage of noise about it. Heeding the advice of legal counsel, the City Council voted 8-1 March 13 to give a petition to restrict sales of music with explicitly sexual or violent lyrics leave to withdraw. But a crowd of nearly a hundred had the council chambers rocking.

The restrictions, proposed by mother Julie Bauman, would have required music stores to place tapes with "parental advisory" stickers behind a counter and not allow anyone under 18 to buy them. "We as parents should oversee these choices," she told the council. "This music is of the same category as R-rated movies." Bauman's petition was prompted by her daughter's purchase of a tape by the band Butt Trumpets, which she called "audio pornography."

Within two weeks of Bauman's request, opposition groups in the city gathered more than two hundred signatures against the proposal. They were presented to the City Council during the hearing. Reported in: *Fitchburg Sentinel & Enterprise*, March 14.

foreign

Toronto, Canada

In a test case about freedom of artistic expression in Canada, a judge ordered police to return the works of a Toronto artist that they removed from an art gallery's walls under Canada's tough child pornography law. The decision by Judge David McCombs of the Ontario provincial court upheld the law, passed in 1993, but laid down guidelines that will make it more difficult for the police to seize works they consider offensive.

In a raid on the Mercer Union art gallery in Toronto in December, 1993, officers seized five paintings and thirty-five sketches by Eli Langer. The works, which portrayed children and adults in sexual acts, stirred bitter controversy.

The judge said the purpose of the Langer works was "not to condone child sexual abuse, but to lament the reality of it" and that he accepted the "uncontradicted evidence of the art experts that in the view of the artistic community, Mr. Langer's work has artistic merit."

Judge McCombs's order would require the police to get court approval before impounding works they regard as offensive. The criminal code said judges "shall" grant warrants when the police want to seize such material. Judge McCombs said the "shall" must be replaced by "may," giving courts the discretion they lacked.

If not overturned by a higher court, the ruling moved Canada closer to procedures used in the U.S. The effect is limited to Ontario, Canada's most populous province. Reported in: *New York Times*, April 23.

Cairo, Egypt

Egyptian intellectuals were handed an important victory by an appellate judge March 29 that bolstered their spirits after years of rising intolerance of artistic expression. A raucous cheer went up in a packed courtroom as Judge Seifallah Nusseibah dismissed a ban against the controversial film *The Emigrant*, a story based loosely on the biblical figure of Joseph.

A conservative Muslim lawyer had convinced a lower court that director Youssef Chahine's film blasphemes Islam. Pressure from Islamic conservatives led to a four-month ban on the work, which for nine weeks had been the hottest movie in Egyptian history.

For the past decade, fundamentalists in Egypt have become increasingly bold in their threats and attacks on intellectuals for works they considered insulting to Islam. Books have been banned, and one publisher was jailed. The attacks culminated last year with the stabbing of Nobel laureate Naguib Mahfouz. Two of the attackers were executed on the day Chahine won his appeal.

Although Egyptian intellectuals and artists hailed the decision to resume showing *The Emigrant* as a victory for free expression, they realized it might be temporary. The 79-year-old Chahine said he expected to have to fight other battles to keep his works in public view. "It's not a small fight," he said. "It's a big and very representative one. It is not my private case now. It is the case of freedom of expression, and that is why all these people are here."

Judge Nusseibah did not rule on whether a religious institution could overrule a government decision, a central issue raised by the case. Instead he overturned the ban on the film on a technicality, ruling that the Muslim lawyer who spearheaded the campaign against *The Emigrant* had no legal standing. Reported in: *San Francisco Chronicle*, April 3. □

(most censored . . . from page 89)

1. The Deadly Secrets of the Occupational Safety Agency
("Unfinished Business," Public Citizen Health Research Group, *Health Letter*, March 1994)

In the early 1980s, the National Institute for Occupational Safety and Health (NIOSH) completed 69 epidemiological studies that revealed that 240,450 American workers were exposed to hazardous materials at 258 worksites. Many of the affected workers were unaware that they were being exposed to hazardous substances (such as asbestos, silica and uranium) that were determined in those studies to increase the risk of cancer and other serious diseases.

In 1983, NIOSH and the Health and Human Services Department's Centers for Disease Control and Prevention (CDC) concluded that NIOSH had a duty to inform workers of exposure "particularly when NIOSH is the exclusive holder of information and when there is clear evidence of a cause and effect relationship between exposure and health risk." Obviously, workers who learned they were at risk could undergo screening that could lead to earlier detection of cancer.

Nonetheless, despite the 1983 recommendations of its own scientific and ethical experts to notify exposed workers, the Reagan administration refused to fund a \$4 million pilot notification program and opposed legislation that would have required such notification. As a result, by 1994, fewer than 30 percent of the workers, covered by only a handful of studies, have been notified. The Public Citizen's Health Research Group learned that NIOSH has individually notified a maximum of only 71,180 (29.6%) of the original 240,450 workers, leaving 169,270, more than 60%, still in the dark about health risks from on-the-job exposure.

Follow-up studies done on workers who had been warned about the risks provide evidence that notification is both feasible and potentially lifesaving. Unfortunately, the majority of the workers identified in the original studies as being exposed to carcinogens and other hazards at massive levels continue to be victims — this time of an unethical coverup that has characterized the federal response to date.

While Public Citizen's Health Research Group wrote to President Clinton on February 2, 1994, urging him to immediately reverse Reagan-Bush policies and order acceleration of the notification program, broader media exposure of this issue would no doubt stimulate a faster response. It has been estimated that notification of each individual worker would cost from \$150 to \$300. Nonetheless, more than 169,000 workers across the U.S. still have not been informed about their deadly exposure to cancer-causing agents despite 10 years of effort on the part of watchdog groups.

2. Powerful Group of Ultra-Conservatives Has Secret Plans for Your Future

("Right-Wing Confidential," Joel Bleifuss, *In These Times*, August 8, 1994)

Observers of the nation's political scene, who wonder why the United States took a sharp right turn in 1994, should know about the Council for National Policy (CNP). In May, 1981, under a tent in the backyard of political strategist Richard Viguerie's suburban Virginia home, 160 new-right political leaders celebrated their political fortunes and the election of President Ronald Reagan the previous November. This elite group of administration officials, congressmen, industrialists, and conservative Christians — including Interior Secretary James Watt, Office of Management and Budget Director David Stockman, Phyllis Schlafly, Joseph Coors, Sen. John East (R-NC), Sen. Orrin Hatch (R-UT), and Paul Weyrich, founding president of the Heritage Foundation, a right-wing think tank — launched a political federation to coordinate their own political agenda.

Weyrich, reportedly the single most important person of CNP, once proposed that the Republicans include a plank in their 1988 platform that AIDS be controlled by "reintroducing and enforcing anti-sodomy laws." And CNP's R.J. Rushdoony, a leader of the Christian Reconstruction movement, argues that right-thinking Christians should take "dominion" over the United States and do away with the "heresy" that is democracy.

After the public inauguration of the group, the CNP went underground. As investigative journalist Joel Bleifuss notes, "we do not know much about the CNP's actions or agenda," but we do know that the radical right is on the ascendant within the Republican Party and has taken over state GOP organizations in Texas, California, Minnesota, Hawaii, Iowa, Nevada, Arizona, Idaho, and Virginia. Russ Bellant, author of *The Coors Connection*, said the meetings of this little-known organization are often a springboard for radical-right campaigns and long-term planning. "But these efforts will seldom be traced to the CNP." The group meets quarterly behind closed doors and is so secretive that its Washington office will neither confirm nor deny where, or even if, the group meets.

While the roster of the 500 members of the organization is confidential, it is known to include Jerry Falwell, of the Liberty Alliance; Oliver North, CNP executive committee member; Sen. Don Nickles (R-OK); Sen. Trent Lott (R-MS); Sen. Jesse Helms (R-NC); Rep. Bob Dornan (R-CA); Brent Bozell, III, of the Media Research Center; Iran-contra figure Gen. John Singlaub; Richard Shoff, former leader of the Ku Klux Klan in Indiana; Republican pollster Richard Wirthlin; Robert Weiner, head of Maranatha, a Christian cult; Howard Phillips of the Conservative Caucus; Linda Bean Folkers of the L.L. Bean Co.; televangelist John Ankerberg; Bob Jones, III,

president of the Bob Jones University; and former attorney general Edwin Meese, CNP president in 1994.

To emphasize the secret nature of their meetings, CNP Executive Director Morton C. Blackwell wrote a memorandum to members attending a meeting in St. Louis in 1993 instructing them that all remarks made at the conference were to be strictly private. "The media should not know when or where we meet or who takes part in our programs, before or after a meeting."

3. The Secret Pentagon Plan to Subsidize Defense Contractor Mergers

("Flak for Defense Merger," Patrick J. Sloyan, *Newsday*, July 28, 1994)

The Pentagon is secretly funneling taxpayer dollars to giant military contractors to help them grow even larger. This extraordinary Pentagon ploy to pay defense contractors billions of dollars to underwrite expenses connected with acquisitions and mergers was approved without any announcement in 1993; it was not discovered until July, 1994. According to Deputy Defense Secretary John Deutch (now Director of Central Intelligence), the unprecedented payment plan will save taxpayers money. Deutch said the mergers would help reduce overhead charges by defense contractors as the industry becomes smaller. Members of the House Armed Services Investigations Subcommittee rejected Deutch's explanation saying the policy was a potential windfall for defense contractors and an incentive for hostile corporate takeovers . . . with taxpayers picking up the bill.

David Cooper, of the General Accounting Office, said that while no specific savings could be seen, the new policy could involve "several billions of dollars" in payments to defense contractors for postmerger restructuring costs that have yet to be defined. Norman Augustine, chairman of Martin Marietta, a giant billion-dollar defense contractor, supported the plan, arguing that the federal government would reap lower costs from defense mergers over the long term. Under the plan, Augustine's company would get \$270 million from the Pentagon to cover expenses related to the purchase of a subsidiary from General Electric. Martin Marietta already quietly received a \$60 million payment from the Pentagon to buy a General Dynamics subsidiary. It was Martin Marietta's Augustine who originally persuaded Defense Secretary William Perry and Deutch to approve the money-for-merger plan. Both Perry and Deutch were on the Martin Marietta payroll before joining the Clinton administration.

4. Poisoning Ourselves With Toxic Incinerators

("Poisoning Ourselves," Mick G. Harrison, Government Accountability Project, September 1994)

By the latter part of the 1980s, the U.S. Environmen-

tal Protection Agency (EPA) understood two very important facts that should have fundamentally altered the nation's waste disposal policy. First, government officials knew that incineration produced dioxin as a byproduct. Dioxin is one of the most potent, toxic, and carcinogenic chemicals known to science. Second, EPA scientists knew that dioxin accumulates through the food chain much like the banned pesticide DDT accumulates in the environment. Dioxin is a persistent substance that easily stores and remains in the tissues of plants and animals. EPA officials also admit that the EPA has no standards to address the immense risks posed by food chain contamination from incinerators emitting dioxin.

Despite this information, incineration has rapidly proliferated throughout the country as the "profitable answer" for disposal of the nation's stockpile of toxic waste and garbage. In fact, incineration does not destroy the waste, it transforms it. Dioxin, lead, mercury, PCBs and other air emissions from incinerator smokestacks cannot be adequately contained even with the most advanced equipment. These poisons are widely dispersed, and, like acid rain, result in uncontrollable pollution of the surrounding water, soil, and farmland. The dangers of these bio-cumulative chemicals multiply dramatically as they are absorbed up through the food chain, from soil and water to plant and animal life to humans. In the case of dioxin, it takes seven years for your body to eliminate half of the dioxin in your system. Unfortunately, rather than acting on the information it has, EPA has purposefully avoided even documenting the cumulative effects of hazardous and solid waste incineration. Flaws in the EPA-industry perspective, cited by the Government Accountability Project (GAP) which has been investigating the problem, include: 1) failure to acknowledge that our current national cancer rate is largely the result of environmental exposures to industry pollutants, and 2) the use of risk assessment methods, that when corrected for error and non-conservative assumptions, warrants far higher projections of risk than those reported by EPA and industry.

The most recent EPA waste combustion strategy fails to overcome the problems since: 1) it is not being applied to incinerators used in Superfund cleanups (more than 1,000 communities have a waste cleanup problem that may warrant Superfund action); 2) it is not being applied to the dioxin waste incinerator in Jacksonville, Arkansas, despite gross evidence of failure to meet standards and rulings in federal court; 3) it is not being used to require timely and strict compliance with current standards (the infamous WTI incinerator in East Liverpool, Ohio, and the LWD incinerator in Calvert City, Kentucky, are prime examples of non-compliance problems); and 4) it is only sporadically applied at commercial hazardous waste incinerators. The problem is well known to the regulators, yet no preventative action is being taken in

communities where unnecessary hazardous waste incinerators saturate the air and food supply with dioxin, lead, mercury, cadmium, and other persistent toxins.

5. Clinton Administration Retreats on Ozone Crisis

("Full of Holes: Clinton's Retreat on the Ozone Crisis," David Moberg, *In These Times*, January 24, 1994)

Since the United States banned chlorofluorocarbon (CFC) aerosols in the late '70s, increasing evidence has revealed that both the destruction of the ozone layer and the resulting dangers to human health and the ecosystem are far more serious than scientists had first recognized. The ozone hole over Antarctica has continued to grow every year since its discovery in 1985 and damage to the ozone layer over heavily populated areas of the northern hemisphere also has been increasing rapidly. Scientists recorded all-time low levels of ozone over the United States in 1993.

The ultraviolet rays that penetrate a weakened ozone layer have been linked to increased cataracts, skin cancer, genetic damage and infectious diseases among humans — as well as reduced plant growth. Meanwhile, the Clinton administration has been moving backward on protecting the stratospheric ozone layer. This ominous precedent will encourage other industrial countries to stall on their own CFC phase-outs, and puts the administration in a far weaker position to argue for an accelerated phase-out of CFCs in the developing countries where CFC production is soaring. Du Pont, the giant chemical firm which developed the first industrial CFC, had planned to halt CFC production at the end of 1994. Yet, in late 1993, EPA asked Du Pont to keep making CFCs until 1996. The EPA defended its decision as a "consumer protection" measure that will make it easier for car owners to recharge their old air conditioners which use CFCs as a cooling agent.

Ozone-safe, environmentally sound cooling technologies are already available however. The Colorado-based Climatran Corp. already has produced 400 "heat-exchanger" systems currently in use in city buses in Denver and Salt Lake City. The federal Department of Transportation has found the system to use 90 percent less energy than conventional air conditioners and cost one eighth as much to maintain — for virtually the same initial purchase cost. After two frustrating years for the manufacturer and under threat of a lawsuit, the EPA finally approved the technology last fall.

Bill Walsh, coordinator of Greenpeace's U.S. atmosphere and energy campaign, charges that Clinton's policies "reward companies that drag their feet," such as the auto companies, and fail to encourage sound alternatives.

6. 1947 AEC Memo Reveals Why Human Radiation Experiments Were Censored

(Steven Aftergood, *Secrecy & Government Bulletin*, March 1994; "The Radiation Story No One Would Touch," Geoffrey Sea, *Columbia Journalism Review*, March/April 1994)

As the secrecy ban is finally lifted, the unethical, immoral, and illegal Cold War radiation experiments on unsuspecting humans by the Department of Defense are illuminated by a most remarkable document that has emerged virtually unnoticed. Dated April 17, 1947, an Atomic Energy Commission (AEC) memorandum, stamped SECRET and addressed to the attention of a Dr. Fidler, at the AEC in Oak Ridge, Tennessee, reads in part as follows: "Subject: MEDICAL EXPERIMENTS ON HUMANS

"1. It is desired that no document be released which refers to experiments with humans and might have adverse effect on public opinion or result in legal suits. Documents covering such work should be classified 'secret'."

The memorandum was issued over the name of O.G. Haywood, Jr., Colonel, Corps of Engineers. Apparently, it was effective, for it was not until November 15, 1993, that the *Albuquerque Tribune* (circulation: 35,000) broke the story which was then catapulted into national headlines by the forthright admissions and initiatives of Secretary of Energy Hazel O'Leary. Eileen Welsome's three-part investigative series for the *Tribune* later won her a Pulitzer Prize.

Ironically, as Geoffrey Sea, author and radiological health physicist, points out, documentation of the inhumane program was massive, solid, and publicly available, as early as 1986. But the major news media were not interested; it was only after the disclosures by a small daily newspaper and Secretary O'Leary — with all the victims dead and most of the perpetrators retired — that the news media put it on the national agenda. Even now, as new revelations about the enormous scope of the horrifying experiments are discovered, there is little if any mention of the AEC memorandum which has been described by America's security classification expert, Steven Aftergood, as "One of the more remarkable documents to emerge" from the Energy Department's new openness initiative.

Classification of the AEC memo, which was obtained by Rep. John Dingell's subcommittee on oversight, was finally canceled by the authority of the Department of Energy, on February 22, 1994.

7. 60 Billion Pounds of Fish Wasted Annually

("Special Report: A Farewell to Fish?" Peter Steinhart, Hal Bernton, Brad Matsen, Ray Troll, and Deborah Cramer, *Mother Jones*, July/August 1994)

While the world's oceans are almost totally fished out and while millions of people starve, the world's fishing fleets waste about 60 billion pounds of fish and seafood every year — enough for 120 billion meals. Once upon a time, on a good day in the 1960s, an Atlantic fisherman could harpoon 30 large swordfish. Today, such swordfish are hardly ever seen. And what has happened to swordfish has happened to hundreds of marine species in just the last 15 years. New England cod, haddock, and yellowtail flounder have declined 70 percent; South Atlantic grouper and snapper, 80 percent; Atlantic bluefin tuna, 90 percent. More than 200 separate salmon spawning runs have vanished from the Pacific Northwest. The United Nations Food and Agriculture Organization determined in April, 1994, that roughly 60 percent of the fish populations they monitor are fully exploited or depleted.

As large-scale fishing technologies have taken over the world's oceans, they have become less and less selective in their catch. Fish too small to be taken and species not legally fished are caught, and then thrown overboard to die. Often the catch is tossed overboard because it is too small or too large to be processed on the factory trawlers, which drag large, bag-like nets that scoop up both wanted and unwanted species.

Ironically, the federal government's efforts to manage the catch — such as limiting the season for different species of fish — has instead led to incredible waste, unsafe fishing practices, and economic chaos for the industry. Under the "derby system," the fishermen lack the time and financial incentives to try to avoid catching fish that aren't worth processing or are not legally in season. Last year, the Alaska fleet alone caught 4.2 billion pounds of fish, then dumped a staggering 763 million pounds — seven times more fish than is retained by the entire New England fishing fleet.

Environmental author Peter Steinhart warns that by continuing to deplete the ocean's productivity, we risk hunger, poverty, dislocation, and war. The solution, he suggests, is a set of international agreements binding all nations to a common set of rules that will reduce the size of the world's fishing fleet, set new limits, and enforce them.

8. The Return of Tuberculosis

("Why Don't We Stop Tuberculosis?" Anne E. Platt, *World Watch*, July/August 1994)

Tuberculosis, thought to be a disease of the past, has surged back with a vengeance and now kills more people than any other infectious or communicable disease in the world — despite the fact that it is curable. Today, the reemergence of tuberculosis, also called TB, threatens more people than AIDS, cholera, dengue fever, and other infectious diseases combined. In 1993, TB killed 2.7

million people around the world; it infected another 8.1 million people; and an estimated one-third of the world's population, or 1.7 billion people, were infected but had not yet developed the disease. In the United States, the U.S. Centers for Disease Control and Prevention reported 26,000 cases of TB in 1992, an increase of nearly 20 percent from 1985.

Further, the current TB epidemic is expected to worsen, especially in the developing world, because of the lack of adequate health care, the evolution of multi-drug-resistant strains, and the emergence of AIDS, which compromises human immune systems and makes them more susceptible to infectious diseases. For a person with an immune system under severe stress — from HIV, diabetes, or chemotherapy for cancer, for example — the chances that the infection will develop into disease increase to as much as 10 percent in a single year.

By the year 2,000, the global incidence of TB alone is expected to increase to 10.2 million cases per year, an increase of 36 percent over 1990's 7.5 million cases. And, overall, tuberculosis deaths are predicted to increase by one-sixth, to 3.5 million by the year 2000, killing 30 million people in this decade alone. However, "this tragedy is totally unnecessary" according to Dr. Hiroshi Nakajima, Director-General of the World Health Organization. The medical knowledge to treat and cure TB exists and the costs are not prohibitive. In 1993, the World Bank identified short term TB treatment as one of the most cost-effective ways to reduce the global burden of the disease. In China, it costs only \$13 for a supply of drugs to cure one person. In most developing countries, it costs less than \$30 to save a life and prevent further transmission of the disease. In the U.S., it costs up to \$10,000 to treat an active case of TB compared to \$200,000 to treat an active TB infection that has become drug-resistant.

The growing TB epidemic is a classic case of a public health crisis that can be resolved inexpensively. However, governments and public health officials need to invest up front in prevention and early intervention. If they do so, early treatment could prevent nearly 12 million deaths worldwide in the next decade and save vast amounts of money.

9. The Pentagon's Mysterious HAARP Project

("Project HAARP: The Military's Plan to Alter the Ionosphere," Clare Zickhur and Gar Smith, *Earth Island Journal*, Fall 1994)

The Pentagon's mysterious HAARP project, now under construction at an isolated Air Force facility near Gakona, Alaska, marks the first step toward creating the world's most powerful "ionospheric heater." The High Frequency Active Auroral Research Project (HAARP), a joint effort of the Air Force and the Navy, is the latest in a series of little-known Department of Defense (DOD)

“active ionospheric experiments.”

Internal HAARP documents state: “From a DOD point of view, the most exciting and challenging” part of the experiment is “its potential to control ionospheric processes” for military objectives. Scientists envision using the system’s powerful 2.8-10 megahertz (MHz) beam to burn “holes” in the ionosphere and “create an artificial lens” in the sky that could focus large bursts of electromagnetic energy “to higher altitudes . . . than is presently possible.” The minimum area to be heated would be 31 miles in diameter. The initial \$26 million, 320 kw HAARP project will employ 360 72-foot-tall antennas spread over four acres to direct an intense beam of focused electromagnetic energy upwards to strike the ionosphere. The next stage of the project would expand HAARP’s power to 1.7 gigawatts (1.7 billion watts), making it the most powerful such transmitter on Earth.

For a project whose backers hail it as a major scientific feat, HAARP has remained extremely low-profile — almost unknown to most Alaskans, and the rest of the country. HAARP surfaced publicly in Alaska in the spring of 1993, when the Federal Aviation Administration (FAA) began advising commercial pilots on how to avoid the large amount of intentional (and some unintentional) electromagnetic radiation that HAARP would generate. Despite protests of FAA engineers and Alaska bush pilots, the final Environmental Impact Statement gave HAARP the green light.

10. News Media Mask Spousal Violence in the “Language of Love”

(Crimes Against Women: Media Part of Problem for Masking Violence in Language of Love,” Ann Jones, *USA Today*, March 10, 1994)

A man guns down his former wife and her new boyfriend; reporters call it a “love triangle.” A man shoots and kills several co-workers, including a woman who refused to date him; the press reports a “tragedy of spurned love.” A man kidnaps his estranged wife, rapes her, accuses her of an imaginary affair, and chokes her to death; a reporter writes that he “made love to his wife,” then strangled her when “overcome with jealous passion.” A New York City cop drags his ex-girlfriend out of police headquarters where she works, shoots her four times, killing her, then kills himself; the *New York Post* headlines it: “Tragedy of a Lovesick Cop.”

Ann Jones, journalism professor and author of *Next Time, She’ll be Dead: Battering and How to Stop It*, charges that the media are part of the problem by masking violence in the language of love. She says, “This slipshod reporting has real consequences in the lives of real men and women. It affirms a batterer’s most common excuse for assault: ‘I did it because I love you so much.’”

Noting that every 12 seconds in this country, some man

batters his current or former wife or girlfriend, Jones says that battering is currently the leading cause of injury to American women, sending more than one million to doctors offices or emergency rooms every year for treatment. According to Jones, it also drives women into the streets with a reported 50 percent of homeless women and kids fleeing from male violence; it figures in one quarter of all suicide attempts by women, one half of all suicide attempts by black women; and, according to the American Medical Association, it also injures fetuses in utero: 37 percent of all obstetric patients are battered during pregnancy.

Yet, as Jones pointed out, battering, the most frequently committed crime in America, is conspicuously missing from the current national debate on crime. The press, she adds, could go a long way toward providing accurate information and setting a serious tone for public discussion of this issue. “Instead it often fails to cover crimes against women at all.”

The following fifteen underreported stories round out the list of the top 25 “censored” stories of 1994: The Treasury Department Ignores S&L Crimes; How Unocal Covered up a Record-Breaking California Oil Spill; The NRC’s Dirty Secrets; Faulty Nuclear Fuel Rods Spell Potential Disasters; DARE Program Coverup Continues; Fallibility of the AIDS Test; Censoring Tomorrow’s Journalists Today; Nationwide Collusion Between Drug Companies and Pharmacists; Caesarean Sections Epidemic; Legalizing Carcinogens in Our Food; Illegal Toxic Burning at Super-Secret Military Base; Over-the-Counter Pills Cause Deaths; Buying and Selling Permits to Pollute; Epilepsy Drug Fiasco Ignored by the Press; Deadly “Mad Cow Disease” Spreads to North America. □

**SUPPORT
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READ**

(censorship dateline . . . from page 102)

classes — we draw nudes. That's what figure drawing is," he said.

Associate Dean of Continuing Education Richard Croghan said he objected to one work in the display and asked the show to be changed after receiving complaints from "four or five" staff members. "I thought there was one picture that would be difficult for families to look at," he said.

Curry said the problem could have been avoided had the artists been given guidelines to start with. "The strange thing is they asked us to do this," he said. Reported in: *New Mexico Daily Lobo*, April 17.

Raleigh, North Carolina

Had she designed her sexually explicit art work for the pleasure of men, charged artist Elin O'Hara Slavick, no one might ever have complained. But because her drawing, "Man D," made lesbian statements, Slavick said she found herself in the middle of controversy.

"I think it's disgusting that all this time and money has been wasted discussing the drawing when there are homeless people, people dying of AIDS, and peoples' First Amendment rights being taken away," said Slavick, who teaches art at the University of North Carolina.

Under pressure from Raleigh Mayor Tom Fetzter and the Raleigh City Council, the Artspace gallery in late February canceled a "Pleasures of Gender" exhibit of works by Slavick and Chapel Hill artist Kimberly Russell after Slavick refused to withdraw "Man D," the most provocative piece.

The work is a series of ink drawings on white paper surrounded by text from a lesbian fantasy written by Slavick. The drawings are all images from art history that originally were created and exhibited by men.

For the Artspace exhibit, the gallery had proposed to cover the windows, display warning signs, and shield the most controversial work with a folding screen. "All this was done to prevent anyone who might be offended from seeing this exhibit," Slavick said. "This was like imprisoning my work."

After receiving complaints about the exhibit, however, Mayor Fetzter persuaded the council to preview slides of the work. Before it did, Artspace asked Slavick to withdraw "Man D." When she refused, the exhibit was canceled. The city owns the Artspace building and Raleigh taxpayers subsidize Artspace. Reported in: *Chapel Hill News*, March 1.

Barnwell, South Carolina

An artist whose nude paintings were removed from a museum filed a \$10 million lawsuit against the county government and museum board. Robert Sherer's nine-painting exhibition was to run from March 5 through April 1, but the Barnwell County Museum's board members locked the gallery doors March 7 after deciding the oil paintings of male nudes were not proper.

The board had been told the paintings were going to be of neoclassical figures, said county administrator Bill Gripp. "These are elderly ladies who thought the paintings were going to be of angels," Gripp said, "not of nude males in, let's just say, not normally seen poses with their genitals exposed."

In the lawsuit, Sherer and museum curator Jennings Roundtree asked that the paintings be put back up and for \$10 million for violation of Sherer's contract and his First Amendment rights.

The suit was supported by the ACLU. "We consider this exactly the same as the government coming in and ripping library books off the shelf or newspapers off the rack simply because the government thinks the people should not hear the speech and because the government does not agree with the views expressed," said Steven Bates, director of the ACLU of South Carolina. Reported in: *Columbia State*, March 9, 10, 15, 18.

Columbia, South Carolina

Paintings by a University of South Carolina student containing some nudity were removed from the university student center March 30 for fear of offending those attending a lecture by a noted theologian. The works of artist Shin Li Zhou were taken down without notifying the artist.

"The more I considered it, the more I was upset," said Zhou, a graduate student. "It is a university — the place for open expression."

The Art Department was invited to bring art to the student center and chose Zhou's work, explained department chair John O'Neil. "No one said a word to me about it being removed," O'Neil said. "When the university asks the Art Department if they can have art to put up, they shouldn't censor it after it's up."

Student center director Jerry Brewer said several staff members notified him that the nudity in some of the paintings might offend people attending a lecture by Father Raymond Brown. Brewer said he made the decision to remove the work, although the artist and art Professor Philip Mullen said someone in the university president's office ordered the removal. Reported in: *Columbia State*, April 8. □

Support Banned Books

19 ⁹/₅
Week

The American Library Association (ALA) will join the American Booksellers Association (ABA), the Association of American Publishers (AAP), the National Association of College Stores (NACS), the American Society of Journalists and Authors (ASJA) and the American Booksellers Foundation for Free Expression (ABFEE) to sponsor Banned Books Week, September 23-30, 1995.

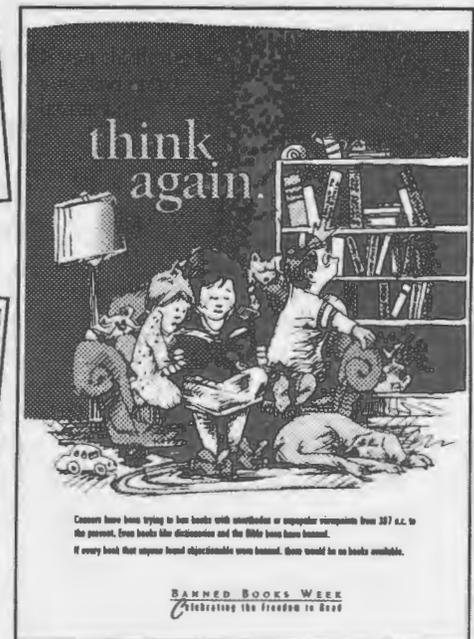
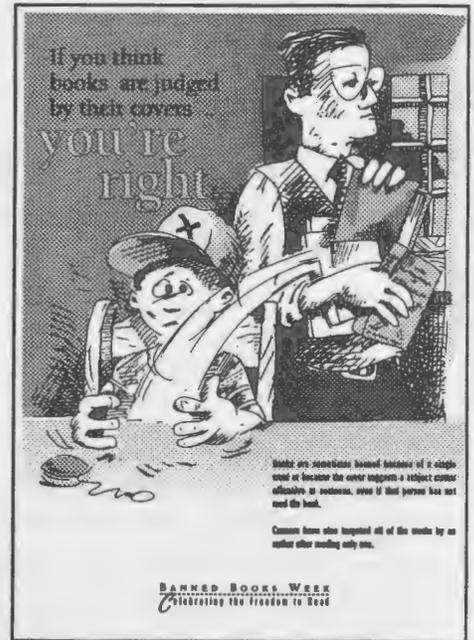
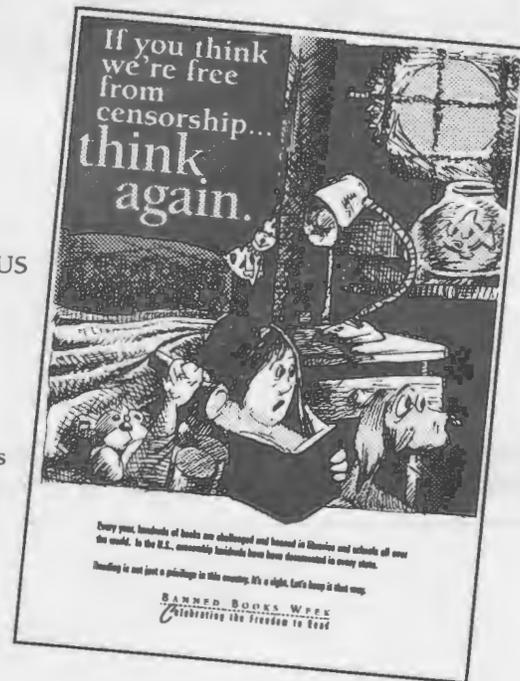
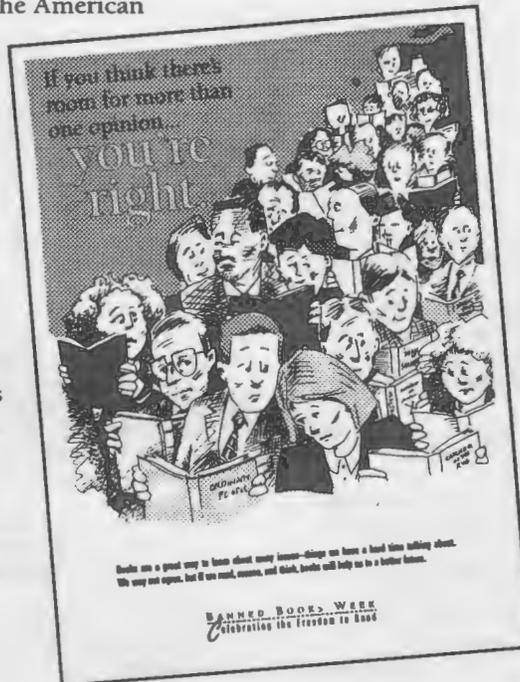
The first Banned Books Week, held in September, 1982, featured displays of challenged books in libraries across the nation and generated public and press attention for First Amendment concerns.

Each year, a kit of useful materials for local observance of Banned Books Week is developed.

The 1995 Banned Books Week kit includes 4 - 16" x 22" posters, 100 bookmarks and a resource book containing:

- ◆ Camera-ready art for ads and bookmarks
- ◆ Display ideas
- ◆ Sample news releases
- ◆ An annotated "List of Books Some People Consider Dangerous"
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Compiled by Anne Penway, Assistant Director, Office
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