

newsletter
on
intellectual
freedom



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J. Dennis Day, 1943-1995

J. Dennis Day, past President of the Freedom to Read Foundation, former chair of the ALA Intellectual Freedom Committee, and Director of the Salt Lake City (Utah) Public Library, died August 3 following a courageous battle with brain cancer.

Throughout his distinguished career in librarianship, Dennis was devoted to the cause of intellectual freedom. He generously contributed his time to the Foundation, serving terms as President, Vice-President, Treasurer, Executive Committee member, and member or chair of the Finance, Membership, and Roll of Honor committees. Dennis's commitment to the principles of intellectual freedom gave him a special vision that provided crucial guidance to the board in determining the best course of action when faced with different choices and challenges.

"Dennis influenced the lives of thousands through his leadership and commitment," said June Pinnell-Stevens, President of the Freedom to Read Foundation. "He made both a permanent contribution to his profession and a devoted circle of friends across the country."

Dennis also contributed substantially to the growth of the American Library Association's Intellectual Freedom Committee and Office for Intellectual Freedom, serving terms as chair of the Intellectual Freedom Committee. He also was a member of ALA's Executive Board and chair of the Committee on Freedom and Equality of Access to Information. At the regional and state level, he served as president of the Mountain Plains Library Association, president of the Utah Library Association, chair of the Utah Governor's Conference on Library and Information Services Programs, president of the Ohio Library Association, and chair of the Miami Valley (Ohio) Library Organization.

Dennis Day graduated first in his class from Western Michigan University in Kalamazoo, in 1967, with an M.S. in library science. He served as Community Librarian for the Dayton and Montgomery County (Ohio) Public Library from August, 1967, to March, 1970; as Director of the Troy-Miami County (Ohio) Public Library from March, 1970, to September, 1976; and from September, 1976, until the time of his death was Director of the Salt Lake City Public Library. During his years in Utah, Dennis founded the Snowbird Leadership Institute, which has

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

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school censorship efforts succeed more often

Attempts at censorship in schools last year dropped slightly from the year before but succeeded more often, according to *Attacks on the Freedom to Learn*, the annual report issued August 30 by People for the American Way. The report documented 458 attacks against books and school programs during the 1994-95 academic year, down from a high of 462 the year before. There were 338 attempts to remove books from classrooms or libraries and another 120 cases of "broad-based challenges to public education," including attempts to ban Halloween celebrations and curtail sex education programs thought to promote homosexuality.

But a record fifty percent, or 169, of the book removal attempts succeeded in removing materials that some parents or citizens groups found offensive. The year before, 375 attempts were documented and 42 percent, or 157, were successful.

"This hasn't been a good year for the freedom to learn in our public schools," said Elliot Mincberg, the group's legal director. "The attacks are bolder, broader and more organized than ever before. Indeed, public education is under a sustained political attack that is unprecedented in our history."

States with the highest number of incidents documented in the report were California, with 44; Texas, 28; Pennsylvania, 27; Oregon, 23; and Georgia, Ohio, and Washington, each with 20 incidents. Only one state, Hawaii, and the District of Columbia registered no incidents. Three states, Nebraska, New Mexico, and South Dakota, had just one incident and five others reported but two.

The three most frequently challenged books were, in order, *More Scary Stories to Tell in the Dark*, by Alvin Schwartz; *Scary Stories to Tell in the Dark*, also by Schwartz; and *I Know Why the Caged Bird Sings*, by Maya Angelou. Others on the list of ten most challenged titles included Schwartz's *Scary Stories Three: More Tales to Chill Your Bones*; *The Giver*, by Lois Lowry; *Halloween ABC*, by Eve Merriam; *Bridge to Terabithia*, by Katherine Paterson; *The Chocolate War*, by Robert Cormier; *Of Mice and Men*, by John Steinbeck; and *My Brother Sam is Dead*, by Christopher Jones and James Lincoln Collier.

The most frequent complaint against a book was that its treatment of sexuality was offensive. Profanity was the next most frequent complaint. Eighteen percent of the attempts involved people affiliated with conservative religious groups, the report said. Five percent of the complaints came from left-leaning parents or groups.

The report came under immediate attack from Family Research Council President Gary Bauer. "Who are the real extremists?" he asked. "An organization that finds

calls from 458 people in this country of 250 million a threat to freedom and who disputes a parent's right to comment on their children's education. The question is will schools and libraries listen to parents or will they listen to People for the American Way. The real story here is the breakdown of democracy. How many times a day does a school board or a school library ignore parents who are merely trying to have input into the education of their children?"

"People for the American Way still doesn't get it," Bauer continued. "When a government restricts what its citizens can read — that's censorship. But when parents have input on what local officials do in the schools — that's democracy."

People for the American Way said its report listed only instances when a parent or community member tried to keep a book not just from one child, but from all children. "I support parental involvement," Mincberg said. "But I don't want my children's education restricted because someone else objects to a book." Reported in: *Washington Post*, August 31; *Washington Times*, August 31; *Niagara Gazette*, August 31. □

teachers examine Huck Finn

The Adventures of Huckleberry Finn, by Mark Twain, is a "dangerous thing," but a well-trained teacher — not a book ban — is the best way to defuse controversy over the novel, a noted professor told educators July 24. "It is a bomb, but all great books are; that's why they're great," said David Bradley, a novelist and English Professor at Temple University in Philadelphia, the opening speaker at the weeklong conference in New Haven, Connecticut, about how to teach the classic book.

The conference, sponsored by the Mark Twain House museum, was put together in part because the novel was banned this past spring from a class at West Hills Middle School in New Haven. Black parents there objected to the novel because the word "nigger" appears more than two hundred times.

"Sometimes we have to remind ourselves we can handle this. And sometimes parents forget what a good teacher can do. So much of the politics of this involves the 'authority of the skin'," said Bradley, who is black. "What bothers me is to see someone who's been teaching for 20, 22, 28 years simply blown away by someone who's loud and of the other color."

Bradley said in a classroom already rife with racial divisions, a book like *The Adventures of Huckleberry Finn* can make matters worse. But in recent years, the novel has been too easily dismissed, he said, in the interests of keeping a lid on problems that could be examined and perhaps alleviated by studying Twain's masterpiece.

“Isn’t the classroom the safest place for a child to encounter a potentially harmful word — and in the hands of a skilled teacher — instead of on the playground?” he asked.

The conference drew more than thirty educators from middle schools, high schools, and colleges across Connecticut, but none from New Haven. One teacher came from as far away as Louisiana. They all came for the same reason: teachers want to teach the book, but juggling the political pressure from parents, the need to be sensitive to increasingly diverse groups of students, and staying true to Twain’s message make it a daunting task.

“The book has been banned many times before, but this year, it just seemed much more pressing,” said Debra Petke, director of education for the Mark Twain House. “There are all kinds of pressures teachers face trying to teach this book in the ‘90s.”

Even more than a hundred years after it was published, *The Adventures of Huckleberry Finn* remains one of the most banned titles in America and one of the most difficult to explain well to young readers. Many students are unfamiliar with its historical context, and Twain’s use of satire to make the point that not much had changed for blacks despite the Civil War.

The book was first banned in 1885 in Concord, Massachusetts; residents there complained that Huck, who smoked, talked black, wore no shoes and lived on his own, was a poor role model for children. More recently, the book has drawn fire for the use of the word “nigger” and its portrayal of Jim, a slave, which many charge reinforces negative stereotypes.

Bradley contends that many who call Twain a racist, “have forgotten what fiction is.”

“We try to read fiction in this country as if it were the newspaper,” he said. “It’s the idea that depicting an act is the same as promoting that act, as if an author putting words in a character’s mouth means [the author is] saying it.” Reported in: *New Haven Register*, July 25. □

Gwinnett turmoil continues

After months of squabbling about limiting young readers’ access to certain sexually explicit materials at the Gwinnett-Forsyth Regional Library (see *Newsletter*, July 1995, p. 91; September 1995, p. 123), a series of incidents over the summer suggested that a resolution of the controversy was not in sight.

Upset about the highly sexual content of a book his wife found in the Cumming branch, Forsyth County Commission Chair Ron Seder said he wanted more specific guidelines on how books find their way into the library system. Seder said he and his wife were shocked

at the sexual content of *Woman’s Body*, by D. Miriam Stoppard, which they found while looking for a health-related book. They said the book contains graphic photographs of men and women in sexual positions.

Seder vented his feelings to beleaguered Library Director JoAnn Pinder. She asked if he would like to fill out a complaint form. Seder said as the county’s chief elected official he should not be expected to do so. “I should not have to fill out a stupid form,” he said. “As commission chairman, I should be able to simply ask the director for a review of the book and get it.”

Another book found in the library by opponents of the review system was *Boys and Sex*, by Dr. Wardell B. Pomeroy, a sex education book for children ages ten and up. According to library critic Joyce Marusich, the author urges pre-adolescent boys and girls to experiment with multiple sexual partners. Marusich charged that the book promotes sex with animals, and also offers questionable disease-prevention advice.

Marusich is a supporter of the so-called “Library Contract with Gwinnett County,” sponsored by Library Board member Scott Scoggins. On August 14, before a noisy audience of over two hundred people, the Gwinnett-Forsyth Regional Library Board again rejected Scoggins’ proposal, based on his “contract,” to restrict access to books with sexual content. Debbie Tuschall was the only board member who would discuss the proposal with Scoggins, who argued that the library system was circulating “pornography” in such titles as *Fade* and *We All Fall Down*, by young adult author Robert Cormier.

It was the third time this year that Scoggins had put his proposal on the agenda. As previously, he was the only board member to vote in favor of it. At the same meeting, however, the library board tabled a similar proposal by the Forsyth County Commission, headed by Seder, that would encompass not only books for children but adult books as well.

Criticism of the library seems increasingly centered in more rural Forsyth County, with opposition less intense in suburban Gwinnett County. Following the August 14 meeting, a conservative state senator from Forsyth County said that he would ask Georgia Attorney General Michael Bowers to determine if certain books in the library system are pornographic under state law.

“Grocery stores stock poison out of the reach of children,” said Sen. Clint Day (R-Norcross). “I can’t imagine any parent in their right mind who could object to restricting sexually explicit materials.”

But library board member Tuschall said, “If there is pornography in the library system, it should not be there. I challenge those who say there is to go through the court system.” Tuschall questioned why, for instance, opponents who had circulated passages from *Boys and Sex*, calling it obscene, had not filed a complaint against the book.

Scoggins acknowledged that he might not have taken the right approach to changing the system. "It could well be that we have not tried to work within the existing system," he said. "My contract was only meant to enhance what we have." His supporters said they would begin working within the system, promising to deluge the library board with complaints. Reported in: *Gwinnett Post-Tribune*, July 29, August 16; *Atlanta Constitution*, August 15. □

art censorship increasing

Former Cambridge, Massachusetts, council member William Welch removed two dildos from an art display at the City Hall Annex. For that, he nearly went to jail. City Hall in Kansas City, Kansas, erupted in anger last year when eight stick-figure statues of aroused naked men were displayed in a lobby. Officials draped the offending parts with garbage bags until the ACLU forced the city to unveil the display.

Washington, D.C., witnessed its first public standoff over art deemed obscene some five years ago, when student protesters, occupying a school building, demanded (among other things) that the University of the District of Columbia not spend \$1.6 million to acquire feminist artist Judy Chicago's "The Dinner Party," a massive installation that depicts designs suggestive of female genitalia.

Like the Cambridge case, which became the subject of angry calls to talk shows, a city-sponsored forum on the nature of art, and courthouse demonstrations, disputes over art exhibited in public places are more frequent and more frequently hostile than they once were, according to national observers.

People for the American Way, which started compiling statistics on challenges to public art in 1991, announced in March that art is "under siege" at schools, in malls, and in public buildings across America. The organization described a "rising censorship success rate" in a report titled "Artistic Freedom Under Attack, 1995." The report found that challengers succeeded in removing disputed artwork or limiting access to it in 78 percent of 104 documented incidents last year.

Since artwork by Robert Mapplethorpe and Andres Serrano kicked off a firestorm over publicly financed expression in 1989, many artists have come to see their task as challenging community standards, breaking boundaries of taste, and testing limits.

In Cambridge, Councilman Welch took action after fielding fourteen citizen complaints in one hour. He returned the dildos to the City Hall display and the exhibit was restored within a day, with screens to shield the work and a sign warning of its content. But artist Hans Evers sued for "malicious destruction of

property." Welch refused a judge's advice to plead guilty, was tried, and acquitted.

The ACLU is currently handling twenty cases involving challenges to art around the country. In one pending suit two drawings displayed in a small building — part golf shop, part public gallery — on the grounds of a Baton Rouge, Louisiana, city park inspired complaints to the park commission. "Confronting Your Fears," by Roberta Cohen, showed a male figure with an erect penis strangling a woman. The other, Ms. Cohen's "The Telephone Call," depicted male and female figures in bed watching a naked man fly through the air.

The artist defended her work as a protest against family violence. Park officials called them lewd and inappropriate. When Cohen refused to take down the drawings, the park closed the gallery until the exhibit was removed. The artist sued the commission in federal court for violating her First Amendment rights and in state court for breach of contract. The federal suit was dismissed. Reported in: *Washington Times*, August 7. □

in review

Censorship: A Threat to Reading, Learning, Thinking. Edited by John S. Simmons. International Reading Association, Inc., 1994. 279 p. \$16 (\$11 for IRA members).

This anthology examines censorship issues in schools. Based on reports from the Office for Intellectual Freedom of the American Library Association and People for the American Way, challenges to materials in schools increase each year. Many of them result in the removal or restriction of the material.

Twenty-two authors contributed to this compilation published by the 92,000-member International Reading Association. It is divided into three sections, which provide both theoretical and practical information for classroom teachers, school administrators, librarians, media specialists, and parents.

Section one discusses the dimensions of the problem. There are chapters dealing with the focus on attempted censorship in critical reading and in the school curriculum. Edward B. Jenkinson's chapter on tactics used to remove books and courses from schools is quite revealing. The major complaints, falling into the areas of "new age" and political correctness, are well covered. It is easy to see that challenges are coming from both ends of the political spectrum. Young adult author Robert Cormier describes the human side of censorship in this chapter. He visualizes the student who could not participate in discussions of *The Chocolate War* because her parents had protested the use of the novel in the school and a

hearing had been scheduled. We often overlook how children and young adults treat their peers when there have been formal challenges by them or their family members.

The second part of this comprehensive title examines complaints and challenges in the classroom. Different areas receiving the most complaints are emphasized, including materials and stories on the supernatural, *The Impressions Series*, critical thinking skills, history textbooks, and evolution. Educators and professors from across the country contributed these chapters which give a true picture of censorship problems faced by teachers, administrators, and librarians at both the elementary and secondary levels. Donald R. Gallo, a long-time campaigner for teachers' and students' rights, has an interesting chapter on the censors' concerns about realistic young adult novels and also explains the alarming number of cases of self-censorship, an area librarians need to continue to examine for themselves.

Section three provides practical plans for action. The authors in this section clearly outline the rationales behind censors' motivations from the struggle of the religious right to preserve a particular morality and worldview to the need for all groups to have their voices heard. Their thought-provoking descriptions of what can be done to

counter attacks from individuals and groups are quite worthwhile. The suggestions come from many points of view: school administrators, English teachers, school board members, and school library media specialists. The Office for Intellectual Freedom's own Anne Levinson Penway contributes a chapter on tips for school library media specialists in dealing with challenges. All school media people would benefit from again reviewing her well-written philosophy of ALA in this area, along with suggestions for what to do in anticipation of attacks, how to deal with the attackers, and how to follow up on any approved courses of action after a controversy has been arbitrated. Ken Donaldson concludes this section with a chapter on the "ten steps" for fighting school censorship.

This reviewer frankly found this anthology well worth the money due to the information provided by people from all areas of education. The rather extensive subject index is also a plus. Some First Amendment purists may find some of the information "old hat" but it is an excellent compilation for beginners as well as a good review for veterans.—Reviewed by Gene D. Lanier, Professor, Department of Library Studies and Educational Technology, East Carolina University, Greenville, North Carolina. □

group charges Disney pushes subliminal sex

The Little Mermaid swimming in pornography? Shimmering erotica in *The Lion King*? A lascivious whisperer in *Aladdin*, goading children to get naked?

A Virginia-based Christian group charged September 1 that the Disney Company, home to Bambi and Mickey Mouse, is turning out sexually torrid cartoons that are sending subliminal sexual messages. The anti-abortion group, American Life League, said Disney cartoon features are full of erotic content, and accused the head of the company of peddling off-color products in the guise of family entertainment.

"I have no idea what Michael Eisner thinks he's doing," said Julie Brown, president of the group. "I have no way of knowing what their plan is for our kids. But they're making a fortune and these cartoons are filled with sexual imagery. A lot of young mothers are very, very upset."

A Disney representative called the charges "ridiculous," saying company executives screened videos of the three films targeted by the group, searching frame by frame for the alleged sexuality.

"It took a while to find out what they're talking about, but we can assure people out there that there's nothing to it," the representative said. "It's ridiculous to think this company, which is known for good, wholesome

product, would go out of its way to harm kids. These movies are a labor of love for hundreds of animators."

The group claimed that *The Lion King* shows the film's Simba character lying on the edge of a cliff under a shimmering cloud of dust spelling out the word "sex." In *The Little Mermaid*, they charged, a minister at a wedding ceremony showed signs of "obvious sexual arousal." The American Life League also said that in *Aladdin* a voice can be heard in the background whispering: "Good teenagers, take off your clothes." Reported in: *Ft. Lauderdale Sun-Sentinel*, September 2. □

Infinity pays up for Stern

Infinity Broadcasting Corporation agreed to pay more than \$1.7 million to settle longstanding multiple indecency complaints against radio "shock jock" Howard Stern, the Federal Communications Commission announced September 1.

The agreement resolved several pending complaints against Infinity, Stern's employer, for broadcasting allegedly indecent material on the talk show host's morning radio show. In settling the case, Infinity neither admitted nor denied any wrongdoing.

The broadcasts in question were aired between 1988 and 1994 on The Howard Stern Show on radio stations serving New York, Philadelphia, and Manassas, Virginia. Reported in: *Fort Lauderdale Sun-Sentinel*, September 2. □

— censorship dateline



libraries

Delaware, Indiana

The Delaware Community School Board voted August 1 to establish a restricted access section in all its school libraries. "I think it's the dark ages," commented Marlene Landfair, retired librarian at Delta High School. The policy was triggered when the parents of a Delta junior complained about Judy Blume's *Forever*, a book that deals with a girl's first sexual experience.

In April, the board voted to restrict access to *Forever* until the end of the school year and make it available only if parents signed permission slips. The summer vote made the restriction permanent. The committee that reviewed the Blume book in the spring had voted unanimously to keep it in the library without restriction. Reported in: *Muncie Star*, August 2.

Indianapolis, Indiana

Pressure continued to mount on the Indianapolis-Marion County Library's video checkout policy when on July 17 the City-County Council approved a non-binding resolution requesting that the library board change the policy. The vote was 19-8. Earlier, Mayor Stephen Goldsmith had voiced his support for a citizen effort to change the policy (see *Newsletter*, September 1995, p. 134).

"We are asking the library board to adopt a policy that parents or guardians must give prior written permission before anyone under 18 can check out R or NC-17 rated movies," said Councilor William Snyder. Reported: *Weekend Flyer*, July 20.

Caddo Parish, Louisiana

Harper Lee's *To Kill a Mockingbird* and Maya Angelou's *I Know Why the Caged Bird Sings* were removed from the Southwood High School library September 22 at the urging of Caddo Parish School Board member Ron Adams. Adams said he was responding to calls from several parents who found the books' language and content objectionable.

"There's no way I would call you a 'G-D, SOB, n-word,'" Adams said of some of the language in *To Kill a Mockingbird*, a classic about the wrongful prosecution of a black man accused of raping a white woman. "I just don't think students should be exposed to that." Adams called Angelou's book the "closest thing to pornography I've ever seen." The book is the poet's autobiography of growing up in rural Arkansas.

Adams said he contacted Essie Holt, Caddo's Assistant Superintendent of Curriculum, and she agreed to pull the books until a review committee could make a long-term decision about the schools' recommended reading list. Both books are currently on the list.

Board member Sybil Walker criticized Adams's action. "I don't think one member should be allowed to see that certain books are removed," she said.

Superintendent James Foster said the usual route prior to pulling any book would have been for the system's book review committee to make a recommendation to the full board. Southwood Principal Charles Walker didn't learn of the books being taken from the library shelves until he read about it in the newspaper.

"I guess the only thing I can say is I wish I had known about it," Walker said. "I'm not prepared to say one way or another if it was the correct thing to do." Adams said he thought he followed proper procedure by contacting Holt. Reported in: *Shreveport Times*, September 23, 24.

Bemidji, Minnesota

In June, the Bemidji School Board voted to remove two books from its school voluntary reading list and from school library shelves. The books, *The Indian in the Cupboard* and *Return of the Indian*, by Lynn Reid Banks, were said to contain subtle stereotypes inconsistent with district diversity goals.

Bruce Anderson of the Challenged Resource Committee said the books contained inaccurate material about Native American Indians including confusing different tribes in illustrations, physical descriptions and culture. Reported in: *Grand Rapids Herald-Review*, June 25.

Boiling Spring Lakes, North Carolina

David Putnam's twelve-year-old son won't be returning his school library book. Putnam forbade his son to

even finish reading it. And he told the Brunswick County Board of Education September 11 that he doesn't want other children to read *Fun House*, a novel by Dean Koontz.

On August 28, Putnam's son was told to read a book from the South Brunswick Middle School library. The boy picked *Fun House*. He read for three days before asking his father a question about the content.

"I was appalled and sickened from what I had read in the book," Putnam said. "I was further upset that the very same people with whom I had entrusted my children five days a week allowed my child to bring home that filthy trash as part of an assignment."

Putnam told the board that the book contains material on orgies, rape, and lesbianism. There is also blasphemy, he said, and the book promotes domestic violence and alcohol abuse.

School officials said the book was one of thousands donated to the library last year. Librarian Kay Talbott separated the donated books according to which were appropriate for middle school readers. Principal Richard Lawson said he would read *Fun House* and decide whether it should remain in the library.

"They try to brush this off by saying it was a donated book," Putnam said. "It doesn't matter if it was donated or paid for by taxpayers' money. There should be checks and balances to where you can't have anything coming in without people reviewing it."

Putnam gave the school a seven dollar check and said his son would not return the book. He wants to ensure that other pupils don't read it, he said. Reported in: *Wilmington Morning Star*, September 12.

Fairfield County, Ohio

A woman has asked that guidelines be established to prevent children from obtaining sexually explicit books from Fairfield County District Library's bookmobile. The library's policy entitles all library cardholders to check out all library materials.

Teresa Lane was surprised last winter when her eleven-year-old son showed her passages from a book another boy checked out when the bookmobile visited Berne Union Elementary School. The passage depicted a sex scene, Lane said, but she did not recall the book's title.

She talked to school officials, who referred her to the library where she was told her complaint would be noted. Then, a few weeks before the end of the school year, her son checked out two books from the bookmobile that she found inappropriate. *Skin Deep*, by Isaac Asimov, and *The Gunsmith's Ambush Moon*, by J. R. Roberts, included profanity and explicit sex scenes, she said.

Lane again went to school officials who again referred her to the library. On August 18, a library review committee heard her request for reconsideration of the two titles. The committee was to make a recommendation to

the library's board of trustees. Reported in: *Lancaster Eagle-Gazette*, September 2.

Stroudsburg, Pennsylvania

Sam Strunk has no children in the Stroudsburg school system, but he wants *The Chocolate War*, by Robert Cormier, taken off district library shelves and out of the high school English curriculum where it's been since 1974. At an early September school board meeting, Strunk voiced his concern, telling teachers, administrators and parents that the popular and widely praised Cormier book contains "sexual and sensual language. Anybody with three brain cells knocking together," he argued, "can read right from wrong. It's a bad book and shouldn't be on the shelves.

"It's quite obvious," continued Strunk, that the book will "foster more disobedience. If parents could read this, they probably would not want their child to read it." Reported in: *Aquarian Weekly*, September 6.

schools

St. Augustine, Florida

Nease High School Principal Bill Mignon apologized to parents of honors English students September 14 at a meeting of the St. Johns County School Board. The parents had come before the board to protest a required summer reading book, *Ceremony*, by Leslie Marmon Silko.

"On behalf of the district, I'd like to apologize that this book ended up on the reading list," Mignon said, explaining that *Ceremony* was not evaluated and approved by the appropriate department chair and the principal, which is the normal policy for books new to the list. Mignon removed the book from the list.

Board member James Tucker, holding a copy of several pages, called the book "garbage." Others objected to its language, sexual descriptions and subject matter. Written by a Native American university professor about a fictional Native American, *Ceremony* was recommended for honor students by the National Council of Teachers of English.

"I don't know where we will be going with this," Mignon acknowledged. "If they want to go further and remove books from the list that are recommended to honor students, then I think the school board needs to be involved." Reported in: *St. Augustine Record*, September 15.

Volusia County, Florida

Book selection procedures remained intact in Volusia's public schools August 22 as a school board member apologized for the way she had handled her objections

to three books in a teachers' library. Deborah Denys apologized for her "misguided behavior" in taking her concerns to the media before giving school officials a chance to address them.

"I am a school board member and my actions must be in keeping with that role. I know that there are times I must put aside my personal feelings and act in the best interest of the school district," Denys said.

She didn't retreat from her contention that the books are pornographic, however. Instead, she said she should have taken her complaint to Superintendent Joan Kowal rather than directly to the media.

Denys had objected to the language and sexually explicit material in *Weird on the Outside*, a novel by Shelly Stoehr about a teenager stripper. She also targeted *No Big Deal*, by Ellen Jafee McClain, and *Hearing Us Out*, by Roger Sutton, because they deal with homosexuality. The books were part of a publishers' exhibit of nearly 300 unsolicited review copies in the school district's professional library, available for teachers' review. None were purchased for school use.

Originally Denys said she had read only short sections of the books. "I read enough to know that it's not suitable for the classroom," she said. "Our job is to educate children and not accentuate these controversial social issues. The language in these books you cannot print in your newspaper."

Denys's apology came in a prepared statement that she read immediately after a staff presentation on book selection procedures. While it seemed to defuse a potential board confrontation, it didn't save her from criticism. Suzy Smith, president of the Volusia Teachers Organization, said it was offensive to imply that teachers were "sitting around in a huddle with the lights off sharing bad books" with their students.

Board chair Judy Conte encouraged board members to set aside personal agendas. "For the last two weeks, the energies of this school district have been completely taken up with books that are not on our shelves. That doesn't do the children of Volusia County any good," she said. Reported in: *Daytona Beach News-Journal*, August 23; *Orlando Sentinel*, August 11.

Eureka, Illinois

A Eureka High School teacher has been effectively prevented from using Geoffrey Chaucer's medieval classic, *The Canterbury Tales*, in a senior college prep literature course. Responding to complaints from a few parents, the school board temporarily directed teacher Nancy Quinn to not teach anything from or about the work.

The controversy began in November, 1994, when the parents of a student complained about the content of

Chaucer's sometimes bawdy tales. The school board originally decided to force Quinn to stop using the supplemental paperback version of the tales and to use only an approved textbook. Then, the board discovered this September that it may have never approved the textbook, which includes Chaucer selections.

"The board cannot find anything in the minutes about adopting any English textbook, so until they verify it has been done, our instructor cannot teach anything associated with Chaucer," said Eureka Education Association President Charlotte Smith. "It appears we have members of the school board reacting to the complaints and criticisms of a few and using it to make policy for everybody."

Superintendent Randy Chump said the board planned to vote on adopting the textbook in October. After that, he said, Quinn would be allowed to teach the tales in the book. Certain tales the parents objected to are not in the textbook and those that are in the textbook are translated differently than those in the paperback.

Smith questioned the sincerity of the complaints, however. "The original complaints came when a student received a poor grade in the class," she said. "The parents went before the school board and administration. When they didn't get the answer they wanted, they switched channels and began complaining about the curriculum."

After the parents learned the grade would not be changed, Smith charged, they began complaining that "the material contained in Chaucer was much too advanced for our students." After the original complaint, the board received about a dozen more. Chump said the parents thought the sexual content of some of the tales was not appropriate for the students. Reported in: *Peoria Journal-Star*, September 16.

Aurora, Ohio

In mid-August, the Aurora School Board voted unanimously not to approve a textbook for a new high school environmental science course. Prominent among the complaints about the book was that it spent too much space on ethics and opinion, and too little on the ecosystem. Board member Pat Beard's criticism went further: *Environmental Science: A Study of Interrelationships*, she said, depicts business in a negative light.

"I felt that in a high school they needed a textbook that shows how the environment works," said Beard, who is executive director of the Aurora Chamber of Commerce. "The first two chapters dealt with ethics. They had talked about corporations in a way that I felt indicated corporations are huge. That is not true. There is a misconception that business is huge and business doesn't care about the environment."

Added board President Karen Formanek, "The textbook was too heavy-handed. We wanted an environmental science course that was a science course first and not

a social policy course.”

While he defended the decision, Superintendent Jim Costanza said it was the first time in his seven years as schools chief that the board had rejected a textbook. Reported in: *Cleveland Plain Dealer*, August 16.

Orono, Maine

Formalizing an informal school policy effectively derailed what threatened to be a rancorous debate over the merits of a book required in a freshman English class at Orono High School. The book, *Burning Patience*, by Chilean author Antonio Skarmeta, was singled out for objection by parent Kate Heim.

“I’m not saying [the book] should be banned,” Heim told the Orono school committee when it heard her complaint June 11. “I just believe that it is extremely inappropriate to be discussed in the classroom. The book tells the story of a young postman who enlists the aid of his only customer, the poet Pablo Neruda, to win the love of a village barmaid. With its setting transposed to Italy, the book was made into the successful film *The Postman*.”

Heim said she felt parts of the book were inappropriate because of the sexual content. She requested that it be reclassified as optional reading material.

The committee declined to do that, but agreed to formally adopt what had been an informal policy whereby if a parent or student objects to assigned material, a mutually agreed alternative is found. Reported in: *Penobscot Times*, July 20.

Carroll County, Maryland

In an unusual series of votes July 12, the Carroll County Board of Education struck down a history book and two sex education videos that already had been approved by parent-teacher screening committees. Voted down unanimously were the video “Date Rape: Behind Closed Doors,” because of its mention of condoms, and the history book *Around the World in 100 Days*, by Jean Fritz, because of a statement perceived to be anti-Christian. Voted down 3-2 was “Four Men Speak Out,” in which men talk about being abused as children. Those who voted against “Four Men” said it was just dull.

“I’m not in favor of censorship, by and large,” said board member Joseph D. Mish, Jr., the board member who initially asked for a closer look at eight of the more than a hundred books and videos approved by the screening councils. Mish said that even though a majority of the council members approved the materials, the board should look at the ones that even a few parents were concerned about. “Their kid gets the book, they don’t like it, then we hear about it,” he said.

Board member C. Scott Stone was among the most vocal critics of “Date Rape” because its mention of con-

doms violated the board’s policy of teaching abstinence. “There are sufficient materials out there that we don’t need to adopt materials that will divide our community,” he said.

Although Mish voted against most of the books, he was most opposed to *Around the World in 100 Days*, which chronicles exploration. “Unfortunately, the book is a pretty good book, by and large,” he said. But a passage on the fourth century burning of the library in Alexandria said that “Christians did not believe in scholarship” and mentioned intellectual suppression by Christians. “It’s a sweeping generalization and it’s definitely anti-Christian,” said Mish, an evangelical Christian.

Social studies coordinator Peggy Altoff said she was disappointed to see the book dropped. “I think his objections were based on that passage alone,” she said. “It’s increasingly difficult to find any kind of material that doesn’t have a line or a passage or a page that’s not in some way offensive to someone.”

Three other books and one video were approved by a narrow 3-2 margin. The books were *The Giver*, by Lois Lowry; *House in the Snow*, by M.J. Engh, and *Into the Dream*, by William Sleator. Reported in: *Baltimore Sun*, July 13.

Redmond, Oregon

Refusing a conservative Teen Aid alternative to its new high school health curriculum, the Redmond School Board ended more than a year of controversy over sex education August 9 when it voted 4-1 to accept a proposal from Superintendent Jerry Colonna. The proposal offered an alternative sex education portion using the Teen Aid text and an option for parents not comfortable with information on contraceptives and sexually transmitted diseases.

Conservatives, however, said Teen Aid needed to be offered in its entirety. Teen Aid is a values-based sex education curriculum that has been criticized for its lack of contraception information. It does not meet Oregon state guidelines.

The board agreed as part of the compromise not to teach portions of the general health text that cover euthanasia, distribution of sterile needles to drug users, and gun control. Reported in: *Bend Bulletin*, August 10.

Boyertown, Pennsylvania

Eleventh-grade American history students at Boyertown High School may be forced to use an outdated textbook unless the school board approves a new text that has come under fire from board president Betty J. Martin.

Taking issue with the wording and political slant of *America: Pathways to the Present*, requested by high school social studies teachers, Martin noted several

debatable sections. "The facts from the '80s didn't seem a hundred percent accurate," she said. Martin disagreed with the book's treatment of the Reagan Administration, Jesse Jackson's presidential campaign, the women's movement in the 1980s, and the Three Mile Island nuclear accident.

Social Studies Supervisor Gene Rinehimer defended the book. "In any American history text, you are going to find things and question the way they are presented. You will never please everybody."

Several parents and community members have accused the board of censorship in the past, most recently with the elimination of a third-grade social studies text, *This Is My House*. Fearing the book banning issue would only grow in the district, several concerned residents were watching the board's activities, especially with respect to the history text.

"I am not certain if this will become a censorship issue," said Rev. Roger E. Buchanan, co-founder of Boyertown Clergy Opposed to Censorship. "I am keeping a close watch on what happens, and I have been in contact with the publisher of the book." Reported in: *Reading Eagle*, July 23.

Mercersburg, Pennsylvania

Tuscarora School District students won't be watching movies rated R or NC-17 in school. The school board in August adopted a policy that follows the motion picture industry rating standards. A proposed film course that prompted the policy, however, was left on the cutting room floor.

"I don't know if we're going to teach it," said Superintendent Ted Rabold. James Buchanan High School students could have watched PG-13 movies in a class that critiques film. The course was to have been an elective this year, but parents objected to the list of films. A petition, signed by five hundred parents, demanded in March that a committee review each film before it was shown. In response, the board banned the showing of all PG-13 and R-rated films.

More than half the students at the high school then petitioned the board to rescind the ban. A film policy was drafted by a committee of board members, teachers, parents, students and an administrator. Reported in: *Chambersburg Public Opinion*, August 16.

Lewisville, Texas

The Lewisville Independent School District Board of Trustees voted unanimously in August for a strengthened policy governing use of videos and films in the classroom. The new policy states that a video or film can be shown only if it relates to the instructional program of the class and then only with the permission of the school's principal. At the elementary school level, a PG-rated film or video that is related to the instructional program may be

shown only with prior written parental permission. The same rule will apply for a PG-13 movie at the middle school level. Under no circumstances is an R-rated movie allowed at any level. Unrated films and videos may be shown only after being reviewed and approved by the principal.

Parent Cindy Hubbard had requested the board look into the use of videos at the June school board meeting. Her concern developed after her daughter, a second-grader, was allowed to see *Richie Rich*, a PG-rated movie, as an end-of-the-year reward. Hubbard also complained that her daughter was being shown too many movies overall.

"We would really like to see the use of videos curtailed until it really does add something to what you're trying to teach," said Superintendent Clayton Downing of the new policy. "This sets a policy that is pretty clearly understood." Reported in: *The Colony Leader*, August 16.

Round Rock, Texas

Parents in the Round Rock school district will compile their own lists to alert others to explicit sex, violence and profanity that might appear in books on high school reading lists. That was the compromise reached September 21 between Superintendent Tom Norris, school board member Nelda Click, and a group of parents who have been involved in the censorship issue that blew up last year when parents complained that assigned books their children were reading, including Maya Angelou's *I Know Why the Caged Bird Sings*, contained explicit material.

English teachers, parents and principals went to the school board meeting ready to speak about annotations, provided to parents, of the books that will be assigned in classes. The lists were prepared over the summer as a compromise solution to last year's controversy. Click had requested that the item be placed on the agenda.

The annotations were compiled by librarians and teachers using references from the Library of Congress. The lists, sent home with every high school student, along with permission forms, were attacked by some parents and described as worthless because the three-line descriptions did not mention sexual content, violence or profanity.

Norris said he met with four parents and told them he could not support staff time or money being spent to develop more complete descriptions of hundreds of books. "I said they could use the Library of Congress's system for books on tapes, which mentions explicit sex or profanity, and we would put the lists in school libraries and media centers," he said.

He said parents compiling annotations will be required to identify themselves and the group they represent, if there is one. If the Library of Congress does not have

descriptions of a book, the parents can read it and note objectionable material. Reported in: *Austin American-Statesman*, September 22.

Rockingham County, Virginia

As students returned to school, Rockingham County School Board members were also hitting the books. More precisely, one book. The five board members were reviewing a book that the mother of a Spotswood High School student wants removed from county schools. Aline Poythress's battle reached the board after two committees decided the book, *Run With the Horsemen*, by Feral Fams, was acceptable.

"I'm not some kind of religious fanatic or book-burning fanatic," Poythress said. "I don't want my child reading that kind of thing."

The battle began when her son, who has some reading problems, was given the book in May. The day he brought it home she picked it up. "It started out rather nicely. It was about a boy growing up on a cotton farm in Georgia in the Depression," she said. But just as she became interested she found, to her surprise and horror, that "there were things in there you wouldn't believe. He [the boy] steals the penis of a hog during butchering. Two boys hold the head of a cow while another has sex with it."

After photocopying eight objectionable selections, Poythress took the book to the school to complain. First, a committee reviewed the book and rejected her request. Poythress appealed to Superintendent John Kidd and a second committee was formed, which also agreed the book should remain. Poythress then appealed to the school board.

Poythress also ran an advertisement in the local newspaper telling of her complaint and appealing to other parents to monitor their children's reading, which, she claimed, attracted numerous calls of support. "I have not had one single negative phone call," she said. "I was really expecting someone to call in opposition, saying this is censorship."

One supporter Poythress attracted was Stan Ginish, a school board candidate. In an appearance before the board, Ginish said, "I'm not for censorship, but this book doesn't belong in a high school library." Ginish also fired a verbal shot at board member Bob Necsary after Necsary defended the book. Reported in: *Harrisonburg (VA) News-Record*, September 2.

Spokane, Washington

Off-color slang on a videotape about date rape proved too much for the Spokane School Board. The board approved a long list of sex education videos, booklets and articles August 23, but did not endorse the video "Playing the Game" because it contained language the board deemed inappropriate, even for high school students.

"It's like MTV language," said board President Rob Fukai. "The issue of date rape has to be discussed, but it can be done with more appropriate language." Reported in: *Spokane Spokesman-Review*, August 24.

colleges and universities

Berkeley and San Diego, California

A nearly nude woman has caused problems at two different California law schools for *National Jurist* magazine. The periodical's April/May issue created a stir at both the University of California, Berkeley's Boalt Hall School of Law and California Western School of Law in San Diego when several students and professors became offended at the cover, which featured a woman covered in money and the headline "Money — How much do you need?" Two other photos of the female model in slightly different poses were inside the magazine. *National Jurist* is an independent student magazine distributed to roughly eighty law schools nationwide.

Shortly after the magazine was distributed, a group of students at California Western ripped the covers off about 300 issues, returned the issues to the racks, and mailed the covers back to the magazine's office.

"I find it offensive anytime anybody uses a woman's body to sell something," said Linda Cianciolo, a law student and participant in the action. "It is especially inappropriate for something called the *National Jurist*, which goes to law schools where 42 percent of the student population is women."

The *Jurist* issued sparked heated debate at Berkeley, where, in an open letter to *Jurist* editor Jodi Cleesattle, Dean Herma Hill Kay condemned the cover stating, "It borders on the pornographic and has no place in this or any other law school."

Her letter was followed quickly by an open letter from Stephen Barnett, another Boalt professor, who accused Dean Kay of issuing veiled threats of censorship against the magazine, and stated his belief that someone had removed copies from the distribution area. Reported in: *Student Press Law Center Report*, Fall 1995.

Charlottesville, Virginia

Stung by a bad review of cafeteria food at the University of Virginia, a food service official hid four thousand copies of the student newspaper to keep the criticism from his eating public.

John Darmstadt, a resident district manager for Aramark food service, hid the copies of the newspaper early September 2 but returned them later in the day after editors of the *Cavalier Daily* asked him where they were.

The free papers had been delivered to a campus dining hall where parents and freshmen were scheduled to gather for the first day on campus. The scathing story

about the food service was headlined "Beware of inedible horrors lurking in University's dining halls."

Michael H. Sampson, the newspaper's editor-in-chief, said hiding the papers was a "classic case of censorship." Darmstadt apologized to the newspaper and said he regretted the theft. Reported in: *Miami Herald*, September 3.

Salem, West Virginia

A cartoon published in the Salem-Teikyo College student newspaper in April brought about a demand by the college administration for a written public apology. The editors of the *Green & White* chose to illustrate an article about censorship with a cartoon of a man with his middle finger sticking up. Beneath the gesture was the word censorship.

School officials were not amused and demanded a public apology. Shortly after the cartoon was published, editors Warren Gardner and Gary Weeks were removed from their positions by the student government vice president. An apology was never issued, however. Reported in: *Student Press Law Center Report*, Fall 1995.

advertising

New York, New York

In response to a storm of criticism likening his latest television and print advertising campaign to child pornography, clothing designer Calvin Klein announced August 28 that he was withdrawing the controversial jeans ads. The announcement was made in a full-page ad in the *New York Times*.

"We continue to believe in the positive message of these ads," said the statement from Calvin Klein, Inc. "But since the ads' message about the spirit, independence and inner worth of today's young people has been misunderstood by some, and because we take our responsibility to those young people so seriously, we will cease running the remainder of this campaign as soon as possible."

Featuring scantily clad teenagers in suggestive poses, the ads sported a look that was deliberately amateurish. All were shot on a background of cheap paneling under harsh lighting. In some, the models posed with legs open, underwear peeking from beneath a skirt or shirt. In the television commercials, an off-camera voice asked the models to shed a shirt or a pair of pants.

For many, the tone of the campaign was much too evocative of child pornography. Editorial columnists, child welfare advocates, and religious groups also criticized the ads. The American Family Association threatened to picket stores carrying Calvin Klein clothing. Reported in: *Boston Globe*, August 29.

theater

Clearwater, Florida

Angels in America, the two-part epic play about a gay man with AIDS won the Pulitzer Prize and seven Tony Awards. But to some Clearwater commissioners, it isn't proper fare for the city's Ruck Eckerd Hall. "I just don't think it is the kind of conduct we should approve," said Commissioner Bill Justice. "I may be a prude."

Justice bemoaned the booking of the play during a City Commission meeting September 7. He and the seven other commissioners admitted that they had not seen the play and knew little or nothing about it. But they had read the disclaimer in the hall's season brochure: "Note: *Angels in America* is serious adult theater with profanity, full nudity, gay themes and sexual situations. Not recommended for children."

The Commissioners asked City Attorney Pam Akin to determine if the play violates the city's rules on public nudity, and if the \$400,000 the city donates annually to the hall is a proper use of money. Reported in: *St. Petersburg Times*, September 9.

etc.

Inglewood, California

The Southern California city of Inglewood this summer banned advertising for the debut recording by the rap group Watts Gangstas on thirty bus benches. The ad featured the recording cover, which shows a scale with drugs on it and the band members turning their backs to the scale. Reported in: *Cash Box*, August 12.

Lima, Ohio

The *Lima News* will now be considered contraband at the Allen County jail in Lima because Sheriff Dan Beck said the local newspaper is too negative. Beck said he had dropped the jail's twenty-one subscriptions for the *News*. Any inmate caught with a copy will be punished, Beck said. Reported in: *Cincinnati Post*, July 25.

foreign

Cairo, Egypt

Egyptian censors allowed a play to reopen three days after banning it for allegedly insulting the government. Playwright Mahmoud el-Toukhy said he believed President Hosni Mubarak had intervened to cancel the ban on performances of *Greetings, My Masters*. The play, which won critical acclaim, depicts an ordinary citizen's attempt to run for president of Egypt. It breaks with tradition by mentioning cabinet ministers and Mubarak by name.

The show was closed August 23 after censors had accused it of "flagrant violation of public morals . . . damaging the honor of the state and insulting senior officials with no reason." Reported in: *Philadelphia Inquirer*, August 28.

Hong Kong

Hong Kong High Court Judge Jim Findlay quashed a ruling this summer by the colony's Obscene Articles Tribunal that a photo of the nude statue of David by Michelangelo published in the *Eastern Express* was indecent. The newspaper had printed the photo in an advertisement for an art gallery. Reported in: *Philadelphia Inquirer*, August 3.

Manila, Philippines

Censors in the Philippines have banned *The Bridges of Madison County* because actress Meryl Streep appears nude for three seconds. The Movie and Television Review and Classification Board said in a letter to Warner Bros. Philippines on August 30 that it objected to a scene in which Streep looks at herself in a mirror. Reported in: *Waterbury Republican-American*, September 2. □

FCC chief backs v-chip

Conceding that the federal government had failed children by allowing violent and sexually explicit television broadcasting, the chair of the Federal Communications Commission voiced support in July for new technology to block potentially offensive programming.

"I'm not here to blame broadcasters, advertisers or parents," Reed E. Hunt said at a luncheon at the National Press Club July 27. "I'm here to point a finger at the only institution with the responsibility to act exclusively for the public interest — the Federal Communications Commission."

Hunt advocated mechanisms like the v-chip (violence chip), a small electronic device that may be inserted in television sets to screen out undesirable programs. The FCC, he said, would begin talks on setting standards on the amount of children's educational programming that television stations would have to broadcast.

The debate over regulating television violence has brewed for years, with Senate Majority Leader Bob Dole (R-KA) and President Clinton speaking out on the issue this past summer (see *Newsletter*, September 1995, pp. 131, 132). On August 4, the House of Representatives passed the Telecommunications Deregulation Act of 1995, one provision of which would require television manufacturers to include a v-chip in each set they manufacture. The Senate had approved a similar measure in June. The House measure passed 305-117; the Senate measure 81-18.

The bill would leave it to the broadcast and cable industries to develop a rating system. To date, they have not agreed on one the chip could read. The House version also leaves room for broadcasters to develop an alternate blocking technology.

Hunt criticized those who argue that the First Amendment prohibits the government from regulating television programming. "The First Amendment's principal purpose is to preclude the government from rewarding or punishing anyone for expressing opinions or asserting facts," he said. "It was not intended to limit the capability of parents, adults or governments to protect or raise their children." To reduce violence on television, Hunt said, the FCC should abolish rules restricting commercial competition in broadcasting and establish standards based on what the public thinks should be broadcast. Reported in: *Boston Globe*, July 28.

(Dennis Day . . . from page 177)

established itself as an intensive and valued leadership development experience for his professional colleagues. The 1995 Snowbird Conference had just convened at the time of his death.

Dennis was particularly esteemed because of the concern he showed both for his professional colleagues and the communities he served, through his concentration on staff and leadership development, and on the constant improvement of community services in libraries. During his nineteen years as Director, the Salt Lake City Public Library won the American Library Association's John Cotton Dana Award for outstanding community relations programs three times. The Troy-Miami County Public Library in Troy, Ohio, also won that award while Dennis was its Director.

"Dennis was such an integral part of the intellectual freedom community. But, more important, he was vital to its development. The very fact that we can talk about an 'intellectual freedom community' is Dennis's doing," said Judith Krug, Executive Director of the Foundation, Director of ALA's Office for Intellectual Freedom, and editor of the *Newsletter*. "He browbeat us — the IFC, ALA division IFCs, the ALA Intellectual Freedom Round Table — into talking to each other, and then developing joint programs, joint activities, and even policies that we could all agree on and support. He was a force to be reckoned with, and we were lucky to have him as a colleague and as a friend."

The Freedom to Read Foundation has established a memorial fund in honor of J. Dennis Day, which will be used in the defense of intellectual freedom in public libraries. Contributions may be sent to J. Dennis Day Memorial Fund, Freedom to Read Foundation, 50 E. Huron St., Chicago, IL 60611. □

from the bench



U.S. Supreme Court

The U.S. Supreme Court on June 29 let stand a ruling barring an Orange County public school teacher from suing his employer for compelling him to teach evolution as fact. The U.S. Court of Appeals for the Ninth Circuit last year upheld the dismissal of John Peloza's civil rights suit against the Capistrano Unified School District by Senior U.S. District Judge David Williams of the Central District of California.

Peloza, a biology teacher, claimed the school district violated his freedom of religion and of speech by requiring him to teach evolution, and prohibiting him from engaging in religious discussion during class. The panel originally had ruled that one of Peloza's claims — that he was compelled to teach evolution as fact, despite his personal beliefs to the contrary — stated a cause of action. But that opinion was later withdrawn and was replaced by one in which a panel of three jurists declared that because "evolutionism" is not, as Peloza contended, "a religious belief system," the First Amendment was not violated even if Peloza's factual allegations were true.

The second opinion reiterated the panel's previous holding that the remainder of Peloza's claims — that the teaching of evolution constitutes an establishment of religion, that the district violated his free speech rights by directing him to "refrain from any attempt to convert students to Christianity or initiating conversations" about religion during "instructional time," and that school officials conspired to deprive him of his rights because of an animus against practicing Christians — were properly dismissed by Williams.

The panel also left intact its ruling that the suit was not frivolous, overturning a \$32,000 attorney fee sanction against Peloza imposed by Williams. Reported in: *Paramount Journal*, July 6.

cable TV

New York, New York

A federal judge in Manhattan issued an order September 20 blocking Time Warner, Inc., from scrambling sexually explicit programs on a local cable channel, saying that the law the company used to justify its plan was likely to be held unconstitutional. But even as he granted a preliminary injunction against the media giant, Judge Leonard B. Sand urged the U.S. Court of Appeals for the Second Circuit to review his opinion immediately.

Time Warner's scrambling plan was the first practical application of a controversial amendment to the 1992 Federal Cable Act, aimed at banning what conservatives see as indecent programming on cable. The cable company acted after the U.S. Court of Appeals for the District of Columbia Circuit, divided along political lines, upheld the law in July, saying it did not violate the First Amendment (see *Newsletter*, September 1995, p. 146).

The Supreme Court has yet to decide whether to review that decision. But if the Second Circuit upholds Judge Sand's ruling, the high court would in all likelihood accept the two cases to resolve the differences.

Judge Sand's decision marked a temporary victory for three producers of programs on the cable channel — Robin Byrd, a stripper, Al Goldstein, publisher of *Screw* magazine, and Lou Maletta, president of Gay Cable Network. The producers had charged that the company's plan to begin blocking their shows on October 1, unless subscribers ask for them in writing, violated their First Amendment rights.

For more than a decade, the producers have put on shows featuring strippers and excerpts of pornographic movies late at night on Channel 35 and its predecessor, Channel J, which serve Manhattan below 79th St. on the west side and 86th St. on the east side. Interspersed are advertisements for phone sex and escort services.

In a carefully worded decision, Judge Sand said he did not have enough time before October 1 to reach a final ruling on the weighty First Amendment issues raised by the case. But he said the producers had a very strong argument that their speech had been abridged and were likely to win their suit.

"We believe that in the context of free speech claims raised herein, plaintiffs have sustained their burden of showing both a likelihood of success on the merits and irreparable injury," Sand wrote. He went on to say that he disagreed with the majority of the Washington Circuit, which held the 1992 amendment did not amount to

government censorship.

Time Warner contended the 1992 amendment to the federal law governing cable gave it the tools to ban or block the programs. For years, it said, parents and church groups had pressed it to block the channel because minors can watch it.

Sponsored by Sen. Jesse Helms (R-NC), the 1992 amendment has two parts. The first section says cable operators are allowed to voluntarily ban indecent programs on leased channels. But the second section says if they choose not to ban the programs, they must scramble them according to new FCC regulations.

The ACLU challenged the amendment in Washington, saying the law was a transparent attempt by the Congress to squash a particular kind of expression. In early 1993, a three-judge panel in Washington agreed and struck down the law.

Then, in July, the entire Court of Appeals reheard the case and on a 7-4 vote — with Republican appointees in the majority — reversed the panel. The court ruled the government was not censoring the programs, but merely allowing the cable operator to do so.

For its part, Time Warner took the position that Congress had not forced the company to censor the programs but had merely given back to cable operators the editorial control of the channel they enjoyed before 1994, when Congress created leased and public access channels.

To make matters more complicated, the Washington court put a stay on the second half of the law that mandates scrambling of the “indecent” programs, pending a ruling by the Supreme Court.

In his decision, Judge Sand agreed with the dissenters in Washington that the two parts of the law could not be considered separately and that, taken together, they add up to government censorship. But he went on to argue that Time Warner could not justify scrambling the programs under the first section of the law, which is the only one being enforced at present. That section, he pointed out, only allows the cable operator to ban the programs outright.

Judge Sand also pointed out the New York case brought up a new issue that was absent in Washington: the potential stigmatization of subscribers who ask for the pornographic shows. Noting it was a “serious claim,” Sand said that making people sign up for the sex programs recalled the seminal 1965 Supreme Court ruling, *Lamont v. Postmaster General*, in which the Court said it was unconstitutional for the Postal Service not to deliver communist propaganda unless the addressee signed a card. Reported in: *New York Times*, September 21.

school

Hightstown, New Jersey

A state appeals court on August 15 upheld The Peddie School's decision to expel a student accused of putting out racial and sexual “hate speech” on the school's e-mail system last year. The court found that Bruce Jason Chiarello's constitutional right to free speech was not violated when he was dismissed from the private school in Hightstown in January, 1994.

Superior Court Appellate Judges John E. Wallace and Naomi G. Eichen said Chiarello broke a disciplinary rule that cites “bullying others” as unacceptable behavior and as grounds for dismissal. They said Chiarello had agreed to follow the rule and that educators can place reasonable restrictions on free speech.

“The attempt to control the speech was in a non-public forum. It was private conduct at a private boarding school,” the court said.

The case stemmed from a January 14, 1994, incident in which Chiarello and another student, Michael Sarbu, were using the school's computer to send electronic messages to classmates. Chiarello's message, which was about ten sentences long and sent over the Peddie Information Network, contained offensive language and was derogatory to black women and homosexuals.

At least one of the students who received the message was offended and forwarded it to two other students, who then printed copies and distributed them on the Peddie campus. Chiarello and Sarbu were suspended immediately. In addition, the school conducted an investigation. After six hours of deliberation, Peddie's faculty-student disciplinary committee recommended to the school's headmaster that Chiarello and Sarbu be suspended and perform community service. But headmaster Thomas A. DeGray instead dismissed both students.

DeGray called the language in Chiarello's message “obscene, inciteful hate speech,” and said the message was not a private communication because it was shared by eight students.

In his appeal, Chiarello said while he admitted his behavior was “sophomoric,” he did not violate one of the major school rules and his dismissal violated his First Amendment rights. The appeal was an attempt to overturn a Mercer County Superior Court ruling from February, 1994, which also agreed with the school's actions. Sarbu did not participate in the appeal. Reported in: *Trenton Times*, August 16.

church and state

Polk County, Iowa

A county violated Title VII of the 1964 Civil Rights Act and the free exercise clause of the First Amendment in ordering a worker to remove religious articles from his office and firing him, in part because of his religious activities that it could have accommodated without undue hardship, the *en banc* U.S. Court of Appeals for the Eighth Circuit held July 31.

The employee was reprimanded for allowing voluntary prayers during office meetings, affirming his Christianity, and once referring to Bible passages about slothfulness and work ethics. He was also ordered to remove a Bible and religious wall-hangings from his office. The employer conceded that religious activity was "a factor" in his eventual discharge.

Although the District Court and an appellate panel found that the discharge was based on the employee's incompetence, the *en banc* court disagreed. Title VII bars discharges because of an employee's religious activities unless the employer shows that it cannot reasonably accommodate them without undue hardship, the court said. Because the record contained no evidence that the supervisor's religious activity actually disrupted the office, the court found the employer's claim of undue hardship too "hypothetical" to credit. Reported in: *U.S. Law Week*, August 15.

political advertising

Tallahassee, Florida

Republicans voiced I-told-you-so's August 2 after a state appellate court said some of their ads attacking Democrats shouldn't have been forced off television in November. The commercial attacked Democratic candidates for the state Cabinet by name and urged people to vote Republican — although they didn't name the GOP candidates.

The First District Court of Appeal reversed a lower court ruling barring two ads, agreeing in essence with GOP Chair Tom Slade, who blasted the original order as "a reckless trampling of our rights to free speech." Although not ruling on whether the ads violated campaign finance laws as the Democrats contended, the court said "an injunction under such circumstances constitutes an unconstitutional prior restraint of speech."

Republicans argued that the purpose of the ads was voter mobilization and the money spent for the ads didn't count as contributions to their individual candidates. The Democrats argued that more than \$300,000 spent to run the ads benefited the individual Republican candidates and exceeded the \$50,000 limit on Republican Party contributions to their individual campaigns.

The appellate court didn't rule on that issue, declaring only that the November 2 injunction issued by Leon Circuit Court had not been an appropriate response to the suit. "We believe that for any violation that occurred here, the statute provides an adequate alternative to prior restraint in the form of fines and possible criminal prosecution," the court declared. Reported in: *Miami Herald*, August 3.

copyright

Washington, D.C.

A federal judge in Alexandria, Virginia, on August 30 permitted the *Washington Post* to retain a copy of Church of Scientology texts and to use the texts in its news reporting, saying the paper's news-gathering rights far outweighed claims that the documents are protected by copyright and trade secrecy laws.

U.S. District Court Judge Leonie M. Brinkema refused to issue a preliminary injunction against the *Post*, saying its excerpts of the church's text published in the August 19 edition were brief and did not diminish the texts' value to the worldwide church.

The article, which reported on lawsuits filed by the church to prevent critics from putting its texts on the Internet computer network (see page 196), included brief quotations from Scientology documents obtained from a federal court file in Los Angeles. "The public interest lies with the unfettered ability of the *Post* to report on the news," Brinkema wrote.

The church originally sued Arnaldo Lerma, a former church member who put portions of the texts on the Internet. On August 12, U.S. marshals seized computer equipment and files from Lerma's home after Scientology lawyers argued that Lerma might possess protected trade secrets and copyrighted material.

Brinkema found it likely that the *Post's* story on that and other Scientology suits would fall within the "fair use" doctrine, which balances the rights of copyright holders with the public need for information. Reported in: *Washington Post*, August 31.

art

Austin, Texas

In a victory for artistic freedom of expression, Austin visual artist David Swim was granted a motion for summary judgment in his suit against the City of Austin August 28 on the grounds that the City violated his First Amendment rights. The ruling, by U.S. District Court Judge James R. Nowlin, was a formal acceptance of finding and recommendations contained in an interim report by U.S. Magistrate Alan Albright.

The court ruled that Martha M. Peters, Coordinator of the Austin Art in Public Places program, censored Swim when she first invited him to display, then refused to include his sculpture in a city municipal building art exhibit. The piece, titled "The Heart," depicts a life cast nude male torso and was to have been included in an exhibit titled "Unconventional Visions" from January 7 to March 3, 1993.

The court rejected the city's argument that the Municipal Building was a "non-public forum," ruling instead that the building was a "limited public forum" bound by the guarantees of the First Amendment.

"The fact that the City invites artwork for demonstration weakens, rather than strengthens, their argument for prohibiting the display of 'The Heart,'" Albright wrote. The court also found that the decision to exclude the exhibition was "not based on restricting the use of the Municipal Building as a public forum, rather [it was] based on content." The city argued that it acted to "avoid controversy and disruption" of the municipal building, citing a "common sense" approach as sufficient since "the public tends to be less accepting of male frontal nudity than of female frontal nudity." The court ruled "that these arguments do not meet the test of being sufficiently compelling to reject the work of art for display." Reported in: press release.

prisoners' rights

Racine, Wisconsin

A federal judge on July 19 upheld a ban on white supremacist materials masquerading as religious literature at the Racine Correctional Institution. RCI officials last July denied former inmate Larry George's request for materials from the Church of Jesus Christ Christian, an organization that claims whites are superior to blacks.

Deputy Warden Dan Buchler and Security Director Chris Ellerd made the decision after reviewing a pamphlet George gave them. They found that the requested material could be considered gang-related and, hence, in violation of prison regulations.

George filed suit in September, 1994, seeking \$60,000 in damages and claiming that the ban violated his constitutionally guaranteed right to the free exercise of religion. He didn't dispute the group's belief in white supremacy and racial separation, with which he acknowledged agreement. But he said he would not be eligible to become a member of the group until he completed his prison sentence.

In ruling against George, U.S. District Court Judge Barbara B. Crabb said that imprisonment legally narrows the rights of inmates and noted that the U.S. Supreme Court has ruled that religiously neutral restrictions prison officials impose do not violate an inmate's freedom of

religion. The law also permits prison officials to restrict access to materials likely to create animosity among inmates of different races, Crabb said.

George was released on parole May 30 after serving nine years of a twenty-one year sentence imposed in 1986 for second-degree sexual assault, forgery and theft. Reported in: *Racine Journal Times*, July 20.

adult entertainment

South Amboy, New Jersey

A Superior Court judge September 1 ordered a controversial South Amboy nightclub to cease nude or seminude dancing. Judge Douglas K. Wolfson also ruled that the city's Board of Adjustment should determine if the type of dancing allegedly taking place at Delilah's Den complies with local zoning laws.

The city had sought a restraining order prohibiting female dancers from taking off their tops. Earlier in the week, the club's owner surrendered her liquor license after being charged with 23 counts of lewd behavior, immoral activity, and other state alcohol control violations. The charges stemmed from police reports that, among other things, dancers allowed patrons to fondle their breasts, genitals and buttocks in exchange for tips. Reported in: *Asbury Park Press*, September 2.

Trenton, New Jersey

A Superior Court judge barred the state of New Jersey from enforcing a key provision of a law restricting adult book and video stores. In issuing a preliminary injunction August 31, Judge Philip S. Carchman sided with two adult store operators that a portion of the statute violates the First Amendment.

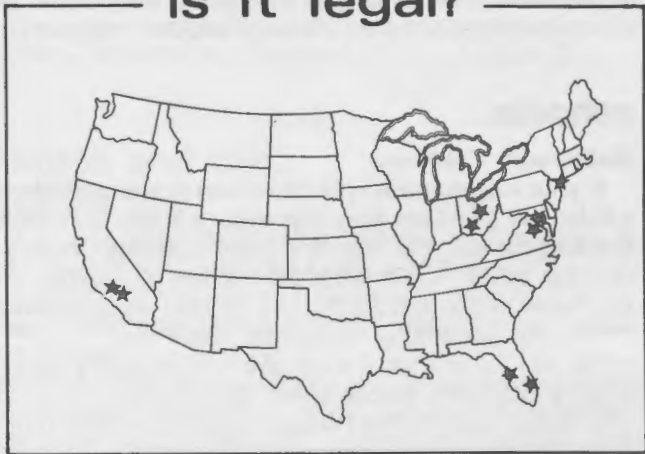
The portion of the statute in dispute involves controlling the use of video preview booths at "sexually oriented businesses," and was drafted by the Legislature in an attempt to limit sexually transmitted diseases. "The Legislature attacked a public problem in an unconstitutional manner," Carchman said.

The statute makes it a fourth-degree crime, punishable by up to eighteen months in jail, if anyone "owns or operates a sexually oriented business which offers for public use booths, screens, enclosures or other devices which facilitate sexual activity by patrons."

"The glaring problem with the statute is that it is aimed only at sexually oriented businesses," Carchman wrote. He said that the "evil" sought to be eliminated is "anonymous, unprotected sexual contact." If the statute were contact-neutral, it would apply to any business where there are "booths, screens, enclosures or other devices."

(continued on page 197)

is it legal?



cyberspace

Washington, D.C.

By an overwhelming vote of 420-4, the House of Representatives August 4 approved an amendment that expressly prohibits Internet censorship by the government. The Internet Freedom and Family Empowerment amendment to the House communications bill appeared to conflict directly with an amendment to the Senate version of the same bill.

The Senate amendment, sponsored by Sens. J. James Exon (D-NE) and Dan Coats (R-IN), is called the Communications Decency Act and sets criminal sanctions for obscenity and indecency on-line. The bill has become a lightning rod for activists, with more than 100,000 signatures collected in an on-line petition drive against it.

Jerry Berman, head of the Center for Democracy and Technology, called the House amendment "a major victory for cyberspace. The Internet may have lost the battle on the Senate side. But what the House indicates is that the Internet and its supporters may win the war."

The House amendment, introduced by Reps. Christopher Cox (R-CA) and Ron Wyden (D-OR), enjoyed support from groups on the political right and left as well as all of the major commercial on-line services. It is based on the principle that technologies are already available to help parents control what children can find on the Internet; it also calls for on-line providers to police their own offerings. Although President Clinton has threatened to veto the communications bill, he expressed support for the Cox-Wyden approach in a letter to lawmakers.

A separate amendment to the House bill appeared to conflict with the Cox-Wyden provision, however. The House passed changes to federal obscenity laws in an amendment sponsored by Rep. Henry Hyde (R-IL) that would criminalize some forms of on-line speech. Cox said the apparent conflict could be resolved in conference committee.

Sen. Patrick J. Leahy (D-VT), who led the unsuccessful opposition to the Exon amendment in the Senate, issued a statement calling the House amendment "a positive step." But Leahy warned that the Cox-Wyden effort "does not resolve the issue of content regulation on the Internet."

"I remain concerned that an exception in the Cox-Wyden amendment leaves room for the Communications Decency Act," Leahy said. He also warned that the Hyde amendment "raises the continued specter of chilling the free speech rights of Internet users in slowing the free flow of information on this wonderful communications medium."

"Certainly the picture is not as clear going into conference as Mister Cox and I would like," Wyden said. "There is going to be much to debate in the conference." Reported in: *Washington Post*, August 5.

Cincinnati, Ohio

Users of a small computer bulletin board in Ohio sued local authorities who seized their electronic mail and other materials as part of an investigation into obscene postings. In their lawsuit, the plaintiffs contend that the Hamilton County Regional Computer Crimes Task Force and other authorities violated their rights to free speech and privacy by seizing their messages during a June raid of five bulletin boards. The plaintiffs also allege that, by seizing their private electronic messages, the authorities violated the Electronic Communications Privacy Act.

The seven plaintiffs, who seek class action status to represent as many as 7,000 subscribers to the Cincinnati Computer Connection, contend that the task force should have seized only the 45 allegedly obscene images it was seeking.

"We don't know whether they had a legitimate reason to investigate, but the method their investigation took violated the rights of folks who use the system," said Peter Kennedy, who is one of two attorneys representing the bulletin board users.

After the raid, Hamilton County authorities charged Bob Emerson, who owns the Cincinnati Computer Connection, with disseminating obscene material and infringing on a software copyright. Emerson, who has since restarted the operation, filed a separate civil suit against the task force and others alleging reckless disregard of his rights to privacy, free speech and freedom from unreasonable searches and seizures. Reported in: *Wall Street Journal*, August 18.

Arlington, Virginia

Arnaldo Lerma has been dragged to the front lines of a battle that could affect everyone with a computer and a modem. The Arlington man was sued August 11 for copyright infringement and found his computer equipment confiscated through a court order sought by the Church of Scientology, which claims he illegally spread church secrets on the Internet.

Lerma's case was only the latest to pit Scientologists against users of the Internet, where many argue that freedom of speech means the right to say or print almost anything.

The church isn't just blaming people like Lerma, but also the companies that provide them access to the Internet. If they succeed, some claim it will lead to unprecedented censorship in cyberspace.

"We are very, very concerned," said Shari Steele, legal services director for the Electronic Frontier Foundation, an Internet watchdog group. "Messages are going to start being censored. That's not what we want. We want to encourage free speech."

Lerma, a former church employee, is still reeling from the lawsuit filed against him and the company that provides his Internet access. In connection with the federal copyright infringement suit, the church won a court order to have \$3,500 worth of Lerma's computer equipment confiscated.

"They took everything," he said. "I'm an old sky diver. I thought I could face anything. But this has been one long, opening shock, like those few seconds after you jump but before your chute opens."

The Church of Scientology targeted Lerma after he electronically posted a lengthy document the church considers confidential, but which he said was available in public court records. The document, which quickly became hot property on the Internet, details secrets of the church, such as how its members progress through levels of spirituality.

In February, the church also sued Dennis Erlich, of Glendale, California, and two companies that provide him online access, alleging they violated copyright laws by posting private church documents and other information on a computer bulletin board.

Helena Kobrin, attorney for the Scientologists, said the suits were last resorts. She said both men and their online service providers were asked to stop distributing church material and all refused.

"I view them as copyright terrorists," she said. "They aren't killing people, but they're killing rights. Some people think [the Internet] is a new medium and none of the laws apply. And that's just not true."

A big concern is that the Scientologists have sued not only individuals but service providers. Internet proponents fear that a court ruling against any of the online

providers could push them and other such companies to impose draconian measures to control what's said in cyberspace. Reported in: *Phoenix Gazette*, August 21.

schools

Hollywood, California

If your neighborhood preschool was showing children a video like *The Lion King* this week, it might have been breaking the law. The Motion Picture Licensing Corporation has asked 50,000 preschools across the country to pay between \$40 and \$325 a year if they want to show videos that are sold or rented for home use.

"If you go to a local store and rent or buy a video, it has a restrictive license which says you may use it in your home," said Rubin Ferziger, general counsel to the licensing group, which represents forty member studios. "A day-care center is not a home. It doesn't matter whether it's a profit or a non-profit. Under the law, showing a video there is a public performance."

Many center directors were outraged and U.S. Sen. Dianne Feinstein (D-CA) took their side, promising to try to carve out an exemption in the copyright law if the studios persist. Schools that show videos only for educational purposes already are exempt.

Ferziger said a "substantial number" of centers have bought public performance licenses since the group's first mailing last December. He said paying to show videos should be seen as no different from paying for crayons and paper.

"I think it's outrageous," said Virginia Irving, director of Happy Workers Day Nursery in St. Petersburg, Florida. "These videos are overpriced in the first place. We'll just stop buying their videos. We don't need them anyway."

The Motion Picture Association of America issued a news release September 8 supporting the effort to get day care centers to pay up. The association said public libraries and summer camps should pay fees too. Centers that show videos without a license could be sued by the studios that hold the copyrights. Reported in: *St. Petersburg Times*, September 9.

Flagler County, Florida

Teens for Life, an anti-abortion student club, filed a lawsuit in U.S. District Court in Jacksonville August 8 against the Flagler Palm Coast High School and the Flagler County School Board. The suit claims the school discriminated against Teens for Life by not granting it the same rights given to other student clubs on campus.

The group had placed posters as other clubs are permitted to do, but teachers at the school tore them down. School officials said the posters were causing a disruption.

tion and they were removed. The group also charged censorship by two school board policies requiring students to get permission before promoting any organization or service. Reported in: *Florida Catholic*, August 25.

church and state

McArthur, Ohio

Officials threatened with a lawsuit said September 8 they had agreed to remove a twelve-foot-high cross that has stood atop the county courthouse for more than thirty years. "We're not happy about it," said Joe White, president of the three-member Vinton County Commission. The Ohio Civil Liberties Union had threatened to sue the commission unless it removed the cross and said jail terms and fines could result if the commissioners refused. "A Christian cross mounted on a government building conveys a message that Christianity is endorsed by the government," said Bill Saks, a staff attorney for the ACLU in Cleveland. He called it a "blatant violation of the separation of church and state." Reported in: *Orlando Sentinel*, September 9.

music

Los Angeles, California

The record distributor for some of rap music's biggest stars has filed suit against the head of the National Congress of Black Women for allegedly trying to destroy it and take over its business. In a suit filed August 15 in U.S. District Court in Los Angeles, Interscope Records accused C. DeLores Tucker of "extortion, threats and other unlawful acts." The suit seeks unspecified damages and a court order halting Tucker's alleged actions.

According to the lawsuit, Tucker tried to induce rap label Death Row Records and Time Warner, Inc., to sever their ties with Interscope, which distributes albums by Snoop Doggy Dogg, Tupac Shakur and others. Tucker allegedly wanted to set up her own distribution company with executives from Death Row and Time Warner, which until recently owned a 25 percent stake in Interscope.

Tucker, who has been an outspoken critic of "gangsta" rap, acknowledged her organization has discussed a possible deal with Time Warner and Death Row. But she said her motive was to clean up the violent, sexually explicit lyrics found in gangsta rap.

Tucker gained publicity earlier this year when she and former Reagan administration education secretary William Bennett launched a campaign to pressure Time Warner to stop distributing objectionable rap records. Reported in: *Miami Herald*, August 23; *Miami Times*, August 24.

New York, New York

Already under fire for its artists' violent and sexually explicit lyrics, Time Warner asked to review new material by "gangsta rap" group Tha Dogg Pound but was rebuffed. Interscope Records head Jimmy Iovine said he would not give in to the Time Warner request.

"Asking to listen to our artists' lyrics or music content prior to completion would be disruptive and counterproductive," Iovine said. "It would also go against everything Interscope has stood for since the day of its conception." Reported in: *Miami Herald*, August 20.

airport

Tampa, Florida

Jews for Jesus and its Florida director, Steve Cohen, sued the Hillsborough County Aviation Authority in federal court August 14 asking that a judge order the Tampa International Airport to stop banning the distribution of pamphlets by proselytizers. The suit contends the ban violates Cohen's rights to free speech, assembly, and religious exercise.

"This one here is pretty elementary," said Matthew Staver, president of Liberty Counsel, an Orlando religious liberties group that represents Jews for Jesus. "Tampa simply can't do what they're doing." Staver pointed to several U.S. Supreme Court rulings, including one involving Jews for Jesus, which explicitly permitted limited regulation but not banning of such distribution activity. He said his group had challenged less restrictive policies at Orlando and Fort Lauderdale and prevailed. Reported in: *St. Petersburg Times*, August 15. □

(from the bench . . . from page 194)

"Sexual contact undertaken in this context poses a threat to public health regardless of what type of film is being screened in the booth or what other items are available on the premises for sale or rental," Carchman said. The statute, however, only deems criminal the operation of such booths in sexually oriented businesses.

The state claimed that the statute does not ban video booths per se, but only those "which facilitate sexual activity." Carchman said the language in the statute was too vague and that other states have specified what type of booths would be lawful.

Carchman denied a request for a preliminary injunction to block another provision that allows municipalities to control the operating hours of adult book and video stores. Reported in: *Trenton Times*, September 2.

cheering

Toms River, Delaware

Joann LaRocca was exercising her rights as well as her lungs when she cheered on her son's baseball team from the opponents' side of the field, a judge said. Superior Court Judge Edward J. Turnbach, overturning a lower court's ruling that LaRocca created a public nuisance at the game, said it was the opposing fans who acted "boorishly" by throwing food and cursing at her. He defended LaRocca's First Amendment right to cheer. "It is a tradition of spectator sport to say what you want," Turnbach said. Reported in: *Wilmington News Journal*, July 16. □

Louisiana and Washington censorship bills defeated

Despite recent criticism of violence in pop music lyrics, two bills, in Louisiana and Washington, that would have criminalized sales of "stickered" albums to minors were defeated. Louisiana House Bill HB-373 was defeated in June when it failed to be voted out of committee. An attempt to override Washington Governor Mike Lowry's May 12 veto of Senate Bill SB-5466 was defeated by a vote of 25-19 on May 19.

The Louisiana bill was State Representative Ted Haik's fourth effort to criminalize the sale or distribution of sound recordings that carry the industry's Parental Advisory label to unmarried persons under the age of seventeen. Three previous bills authored by Haik were vetoed by two different governors. HB-373 never reached that point, after being voted down in committee by a vote of 3-2. The bill had previously passed the Louisiana House of Representatives.

The Washington Music Industry Coalition celebrated the defeat of SB-546 after they reportedly generated more than a thousand calls to state legislators within a five-hour period in support of Lowry's veto. Reported in: *Music Connection*, July 10. □

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